

Federal Communications Commission

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
County of Westchester	)	File No. EB-09-NY-0240
Licensee of Radio Station WPEM283	)	
White Plains, New York	)	NOV No. V200932380042
	)	
	)	

NOTICE OF VIOLATION

Released: September 2, 2009

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules<sup>1</sup> to the County of Westchester (“Westchester”), licensee of land mobile radio station WPEM283, in White Plains, New York.
2. On August 18, 2009, in response to a complaint, an agent from the Commission’s New York Office investigated radio station WPEM283 and observed the following violation:

47 C.F.R. § 90.403(e): “Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference.” On August 18, 2009, an agent determined that Westchester’s transmitter on 155.310 MHz was transmitting an unmodulated carrier causing harmful interference to other licensed stations on the same frequency.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, the County of Westchester, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by an individual authorized to respond on behalf of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 U.S.C. § 308(b).

**Federal Communications Commission**

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Federal Communications Commission  
New York Office  
201 Varick Street, Suite 1151  
New York, New York 10014

4. This Notice shall be sent to the County of Westchester at its address of record.
5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

Daniel W. Noel  
District Director  
New York Office  
Northeast Region  
Enforcement Bureau

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<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*