
Federal Communications Commission

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

In the Matter of)	
)	
Mitchell A. Beranek)	File No. EB-09-PA-0067
Licensee of FM Translator Station W248BI)	
Facility ID # 157218)	NOV No. V200932400026
Jonestown, Pennsylvania)	
)	

NOTICE OF VIOLATION

Released: September 11, 2009

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to Mitchell A. Beranek, the licensee of FM translator station W248BI in Jonestown, Pennsylvania.
2. On August 26, 2009, an agent of the Commission's Philadelphia Office inspected FM translator station W248BI located in Jonestown, Pennsylvania and observed the following violations:
 - a. 47 C.F.R. § 74.1265(b): "The call sign of the translator or booster together with the name, address, and telephone number of the licensee or local representative of the licensee if the licensee does not reside in the community served by the translator or booster, and the name and address of a person and place where station records are maintained, shall be displayed at the translator or booster site on the structure supporting the transmitting antenna, so as to be visible to a person standing on the ground at the transmitter site. The display shall be prepared so as to withstand normal weathering for a reasonable period of time and shall be maintained in a legible condition by the licensee." At the time of inspection, no postings were present with the required licensee information.
 - b. 47 C.F.R. § 74.1281(a): "The licensee of a station authorized under this Subpart shall maintain adequate records, including the current instrument of authorization, official correspondence with the FCC, maintenance records, contracts, permission for rebroadcast, and other pertinent documents" At the time of inspection, the station's records did not show prior consent permitting rebroadcast of the primary station's broadcast signal.

¹ 47 C.F.R. § 1.89.

- c. 47 C.F.R. § 74.1283(c): “A translator station authorized under this subpart shall be identified by one of the following methods. (1) By arranging for the primary station whose station is being rebroadcast to identify the translator station by call sign and location. Three such identifications shall be made during each day: once between 7 a.m. and 9 a.m., once between 12:55 p.m. and 1:05 p.m. and once between 4 p.m. and 6 p.m. Stations which do not begin their broadcast before 9 a.m. shall make their first identification at the beginning of their broadcast days...(2) By transmitting the call sign in International Morse Code at least once each hour. Transmitters of FM broadcast translator stations of more than 1 watt transmitter output power must be equipped with an automatic keying device that will transmit the call sign at least once each hour, unless there is in effect a firm agreement with the translator's primary station as provided in Sec. 74.1283(c)(1) of this section.” On August 25, 2009, between 10:36 a.m. and 12:15 p.m., and on August 26, 2009, between 12:55 p.m. and 1:05 p.m., the licensee failed to identify translator station W248BI.
 - d. 47 C.F.R. § 74.1234(a)(4): “The FCC in Washington DC Attention: Audio Division, Media Bureau, shall be supplied by letter with the name, address, and telephone number of a person or persons who may be contacted to secure suspension of operation of the translator promptly should such action be deemed necessary by the Commission. Such information shall be kept current by the licensee.” At the time of inspection, station W248BI was unattended. According to the licensee, Vic Michael and Van Michael are the local representatives for the station who may be contacted to secure suspension of operation. However, the FCC does not have their required information on file.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Mitchell A. Beranek, 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 a principal or officer 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:

²47 U.S.C. § 308(b).

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Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to Mitchell A. Beranek at his address of record.
5. The Privacy Act of 1974³ 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.⁴

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro
District Director
Philadelphia District Office
Northeast Region
Enforcement Bureau

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*