
Federal Communications Commission

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

In the Matter of)	
)	
Fajardo Broadcasting Co., Inc.)	File No. EB-09-SJ-0025
Licensee of Radio Station WYQE FM)	
Facility ID # 19056)	NOV No. V201032680001
Naguabo, PR)	
)	
)	
)	

NOTICE OF VIOLATION

Released: November 2, 2009

By the Resident Agent, San Juan Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to Fajardo Broadcasting Co., Inc. WYQE, Naguabo, PR.
2. On October 1, 2009, an agent of the Commission's San Juan Office of the Enforcement Bureau inspected radio station WYQE located in Naguabo, Puerto Rico, and observed the following violation(s):
 - a. 47 C.F.R. § 73.1560(b): "Except as provided in paragraph (d) of this section, the transmitter output power of an FM station, with power output as determined by the procedures specified in Sec. 73.267, which is authorized for output power more than 10 watts must be maintained as near as practicable to the authorized transmitter output power and may not be less than 90% nor more than 105% of the authorized power..." At the time of inspection, the transmitter power output was 2.158 kilo watts or 83% of the licensed power.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Fajardo Broadcasting Co., Inc., 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:

¹47 C.F.R. § 1.89.

²47 U.S.C. § 308(b).

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Federal Communications Commission
San Juan Office
762 Federal Building
Hato Rey, PR 00918

4. This Notice shall be sent to Fajardo Broadcasting Co. at its 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

William Berry
Resident Agent
San Juan District Office
South Central Region
Enforcement Bureau

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*