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

In the Matter of	)	
First Student, Inc. Licensee of Radio Station WQKH964 Holyoke, MA	)	File No. EB-09-BS-0038
	)	NOV No. V201032260001
	)	

## NOTICE OF VIOLATION

Released: November 16, 2009

By the District Director, Boston 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 First Student, Inc., licensee of radio station WQKH964 in Holyoke, MA.
- 2. On September 22, 2009, in response to an interference complaint, agents of the Commission's Boston Office inspected radio station WQKH964 located in Holyoke, MA, and observed the following violation:
  - 47 C.F.R. § 1.903(a): "General Rule. Stations in the wireless radio service must be used and operated only in accordance with the rules applicable to their particular service. . . ." First Student is authorized an FB2 (Mobile Relay) class of station on a frequency of 152.9075 MHz, but was operating on the frequency of 152.911 MHz, which exceeds the frequency stability requirements in Section 90.213 of the Rules.
- 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, First Student, 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:

<sup>&</sup>lt;sup>1</sup>47 C.F.R. § 1.89.

<sup>&</sup>lt;sup>2</sup>47 U.S.C. § 308(b).

Federal Communications Commission Boston Office One Batterymarch Park, Suite 102 Quincy, MA 02169

- 4. This Notice shall be sent to First Student, Inc. 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

Dennis Loria District Director Boston District Office Northeast Region Enforcement Bureau

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

<sup>&</sup>lt;sup>4</sup>18 U.S.C. § 1001 et seq.