

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Fairbanks Fuel Co Inc	)	File No.: EB-09-AN-0029
	)	
Licensee of Radio Station WPWH474	)	
Fairbanks, Alaska	)	NOV No.: V201032780001
	)	

**NOTICE OF VIOLATION**

**Released: January 8, 2010**

By the Resident Agent, Anchorage Resident Agent Office, Western 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 Fairbanks Fuel Co Inc (Fairbanks Fuel), licensee of radio station WPWH474 in Fairbanks, Alaska.

2. On November 10, 2009, and November 12, 2009, an agent of the Enforcement Bureau's Anchorage Resident Agent Office monitored the radio frequency 159.495 MHz and observed various communications involving fuel deliveries in and around the Fairbanks area. The communications involved both mobile-to-mobile and mobile-to-office (base) transmissions. Research of Commission records finds that Fairbanks Fuel is the only licensed user of the frequency 159.495 MHz in the area. The following violations were observed:

- a. 47 C.F.R. § 1.903(b): "The holding of an authorization does not create any rights beyond the terms, conditions and period specified in the authorization." Fairbanks Fuel's authorization, WPWH474, authorizes only mobile stations on the frequencies 159.495 MHz and 159.540 MHz. WPWH474 does not authorize the use of a base station.
  
- b. 47 C.F.R. § 90.425(a): "Stations licensed under this part . . . shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes . . . during periods of continuous operation." During the monitoring and observation period by the Anchorage agent, on November 10, 2009, approximately 1:15 PM through 2:10 PM (AST), with various communications, and on November 12, 2009, approximately 4:55 PM through 5:30 PM (AST), with various communications, no call sign was transmitted.

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<sup>1</sup> 47 C.F.R. § 1.89.

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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, Fairbanks Fuel, must submit a written statement concerning this matter within 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 Fairbanks Fuel. 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:

Federal Communications Commission  
Anchorage Resident Agent Office  
P.O. Box 221849  
Anchorage, AK 99522-1849

4. This Notice shall be sent to Fairbanks Fuel, 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

David J. Charlton  
Resident Agent  
Anchorage Resident Agent Office  
Western Region  
Enforcement Bureau

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<sup>2</sup> 47 U.S.C. § 308(b).

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

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