

Federal Communications Commission

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

In the Matter of)	
)	
County of Newton)	File No. EB-10-OR-0011
Licensee of Radio Station KTK630)	
Parthenon, AR)	NOV No. V201032620002
)	
)	
)	

NOTICE OF VIOLATION

Released: March 9, 2010

By the District Director, New Orleans 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 County of Newton (“Newton”), Arkansas, licensee of radio station KTK630.
2. On February 23, 2010, an agent of the Commission’s New Orleans Office monitored transmissions from station KTK630 on the frequency 154.785 MHz and observed the following violation:
 - a. 47 C.F.R. § 1.903(a): “Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section.” Newton was transmitting digital data on the frequency 154.785 MHz as part of their public safety two-way operation. The license for station KTK630 only authorizes FM analog telephony emissions (F3E) on the frequency 154.785 MHz. The F3E class of emission does not authorize digital data transmissions.
3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, County of Newton, 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

¹47 C.F.R. § 1.89.

²47 U.S.C. § 308(b).

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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:

Federal Communications Commission
New Orleans Office
2424 Edenborn Avenue
Suite 460
Metairie, LA 70001

4. This Notice shall be sent to County of Newton 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

Walter Gernon
District Director
New Orleans 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.*