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

In the Matter of)
Spotts, Stevens and McCoy, Inc. Licensee of Radio Station WPWV610)
Morgantown, Pennsylvania))

File No. EB-10-PA-0246

NOV No. V201132400002

NOTICE OF VIOLATION

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Released: October 4, 2010

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

- This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to Spotts, Sevens and McCoy, Inc. ("SSM"), the licensee of radio station WPWV610 in Morgantown, Pennsylvania.
- 2. On September 17, 2010 in response to a complaint of harmful interference, an agent of the Commission's Philadelphia Office inspected radio station WPWV610 located at the BFI landfill in Morgantown, Pennsylvania, and observed the following violation:
 - a. 47 C.F.R. § 90.403(e): "Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference." At the time of the investigation, SSM was operating a Trimble Trimmate III and transmitting a digitally modulated signal on 461.025 MHz. There was no evidence that the station was monitoring for communications in progress, which created the potential for interference and prevented the effective sharing of the frequency with other licensed users.
- 3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, SSM 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

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

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

- 4. This Notice shall be sent to Spotts, Stevens and McCoy, Inc. 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

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

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq*.