

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Borough of Atlantic Highlands	)	File No. EB-11-NY-0036
Licensee of Radio Service Station WQCT450	)	
Atlantic Highlands, New Jersey	)	NOV No. V201132380006

**NOTICE OF VIOLATION**

**Released: March 16, 2011**

By the District Director, New York 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 Borough of Atlantic Highlands (“Atlantic Highlands”), licensee of land mobile station WQCT450, Atlantic Highlands, New Jersey.
2. On March 2 and 3, 2011, in response to an interference complaint from a public safety entity, agents of the Commission’s New York Office monitored and inspected Land Mobile Station WQCT450 located at Observatory Place, Atlantic Highlands, NJ 07716, and observed the following violations:
  - a. 47 C.F.R. S: 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." At the time of inspection, Atlantic Highlands was transmitting digital emissions on the frequency 154.815 MHz. The license for station WQCT450 only authorizes FM analog telephony emissions (F3E) on the frequency 154.815 MHz.
  - b. 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.” On March 2 and 3, 2011, an agent determined that Atlantic Highlands transmitter was transmitting radio transmissions on the frequency 154.815 MHz while other transmissions on the same frequency were already in progress.
  - c. 47 C.F.R. § 90.425(a): “Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the

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<sup>1</sup>47 C.F.R. § 1.89.

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transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation. The call sign shall be transmitted by voice in the English language or by International Morse Code in accordance with paragraph (b) of this section.” On March 2, 2011, between 1:00 p.m. and 3:30 p.m., and on March 3, 2011, between 10:30 a.m. and 12:30 p.m., Atlantic Highlands did not transmit its call sign identification WQCT450 on the frequency 154.815 MHz.

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, Atlantic Highlands 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 Atlantic Highlands. 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 York Office  
201 Varick Street, Suite 1151  
New York, NY 10014

4. This Notice shall be sent to Atlantic Highlands 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

Daniel W. Noel  
District Director  
New York District Office  
Northeast 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.*