

Federal Communications Commission

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

In the Matter of)	
)	
Nassau Broadcasting III, LLC,)	
Debtor-in-Possession)	File No.: EB-FIELDNER-12-00004441
Licensee of Station WWHQ)	
)	NOV No. V201332260001
Facility ID #73216)	
Meredith, NH)	
)	

NOTICE OF VIOLATION

Released: October 4, 2012

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 (Rules)¹ to Nassau Broadcasting III, LLC, Debtor-in-Possession, licensee of FM Station WWHQ in Meredith, New Hampshire. Pursuant to Section 1.89(a) of the Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On August 30, 2012, an agent of the Enforcement Bureau's Boston Office monitored Station WWHQ in Meredith, New Hampshire, and observed the following violation:

47 C.F.R. §73.317(d): "Any emission appearing on a frequency removed from the carrier by more than 600 kHz must be attenuated at least 43 + 10 Log₁₀ (Power, in watts) dB below the level of the unmodulated carrier, or 80 dB, whichever is the lesser attenuation." Agents observed while monitoring that spurious emissions from Station WWHQ on the frequency 304 MHz were observed to be attenuated -55 dB below the carrier on 101.5 MHz. Spurious emissions from Station WWHQ were also observed on 406 MHz and were causing interference to the Cospas-Sarsat international search and rescue satellite system.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Nassau Broadcasting III, LLC, Debtor-in-Possession, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Nassau Broadcasting III, LLC, Debtor-in-Possession to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Nassau Broadcasting III, LLC, Debtor-in-Possession with personal knowledge of the representations provided in its response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. 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
Boston Office
1 Batterymarch Park, Suite 102
Quincy, MA 02169

6. This Notice shall be sent to Nassau Broadcasting III, LLC, Debtor-in-Possession at its address of record.

³ 47 U.S.C. § 308.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Commission's Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'. " 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

7. The Privacy Act of 1974⁷ 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.

FEDERAL COMMUNICATIONS COMMISSION

Dennis Loria
District Director
Boston Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).