

**Federal Communications Commission**

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

In the Matter of	)	
	)	
AMS Spectrum Holdings, LLC	)	File No.: EB-FIELDNER-13-00007663
Licensee of Station WPKT947	)	
Warminster, Pennsylvania	)	NOV No.: V201332400025
	)	

**NOTICE OF VIOLATION**

**Released: May 3, 2013**

By the District Director, Philadelphia 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)<sup>1</sup> to AMS Spectrum Holdings, LLC, licensee of Private Carrier Paging Station WPKT947. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.<sup>2</sup>

2. On March 20, 2013, in response to an interference complaint, agents of the Enforcement Bureau’s Philadelphia Office inspected Station WPKT947 located at 225 Newtown Road, Warminster, Pennsylvania, and observed the following violation:

47 C.F.R. § 22.359(a): “The power of any emission outside of the authorized operating frequency ranges must be attenuated below the transmitting power (P) by a factor of at least  $43 + 10 \log (P)$  dB.”<sup>3</sup> At the time of inspection, the agents found that AMS Spectrum Holding’s paging transmitter operating on 929.9375 MHz was generating spurious emissions that exceeded the emission mask limit.<sup>4</sup>

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>5</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, AMS Spectrum Holdings must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

<sup>3</sup> According to Section 90.493(b) of the Commission’s Rules, 47 C.F.R. § 90.493(b), paging operations on exclusive channels in the 929-930 MHz band, such as station WPKT947, are subject to the licensing, construction and operation rules of Part 22.

<sup>4</sup> Based on the transmitter output power of 200 Watts, the spurious emissions should be attenuated at least 66 dB below the authorized transmitting power. The agents observed several spurious emissions that were not sufficiently attenuated.

<sup>5</sup> 47 U.S.C. § 308(b).

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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.<sup>6</sup>

4. In accordance with Section 1.16 of the Rules, we direct AMS Spectrum Holdings to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of AMS Spectrum Holdings with personal knowledge of the representations provided in AMS Spectrum Holdings' response, verifying the truth and accuracy of the information therein,<sup>7</sup> 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.<sup>8</sup>

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

6. This Notice shall be sent to AMS Spectrum Holdings at its address of record.

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<sup>6</sup> 47 C.F.R. § 1.89(c).

<sup>7</sup> Section 1.16 of the 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.

<sup>8</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974<sup>9</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.

FEDERAL COMMUNICATIONS COMMISSION

David Dombrowski  
District Director  
Philadelphia District Office  
Northeast Region  
Enforcement Bureau

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<sup>9</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).