

Federal Communications Commission

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

In the Matter of)	
)	
SkyTel Spectrum LLC)	File No.: EB-FIELDNER-13-00008416
Licensee of Station KNKG783)	
Warminster, Pennsylvania)	NOV No.: V201332400026
)	

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)¹ to SkyTel Spectrum LLC, licensee of Paging and Radiotelephone Station KNKG783 in Warminster, Pennsylvania. 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.²

2. On March 20, 2013, in response to an interference complaint, agents of the Enforcement Bureau's Philadelphia Office inspected Station KNKG783 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." At the time of inspection, the agents found that Skytel Spectrum LLC's paging transmitter operating on 931.9375 MHz was generating spurious emissions that exceeded the emission mask limit.³

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, SkyTel Spectrum LLC 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

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ 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.

⁴ 47 U.S.C. § 308(b).

Federal Communications Commission

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.⁵

4. In accordance with Section 1.16 of the Rules, we direct SkyTel Spectrum LLC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of SkyTel Spectrum LLC with personal knowledge of the representations provided in SkyTel Spectrum LLC's response, verifying the truth and accuracy of the information therein,⁶ 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.⁷

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 SkyTel Spectrum LLC at its address of record.

⁵ 47 C.F.R. § 1.89(c).

⁶ 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.

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

Federal Communications Commission

7. The Privacy Act of 1974⁸ 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

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).