

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Puerto Rico Electric Power Authority	)	File No.: EB-FIELDSCR-14-00016566
	)	
Licensee of Radio Station WPCP978	)	NOV No.: V201432680006
	)	
San Juan, Puerto Rico	)	
	)	

**CORRECTED COPY  
NOTICE OF VIOLATION**

**Released: September 3, 2014**

By the Resident Agent, San Juan Office, South Central 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 Puerto Rico Electric Power Authority in San Juan, Puerto Rico, the licensee of WPCP978. 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(s) noted herein.<sup>2</sup>

2. On August 21, 2014, in response to a complaint of interference from AT&T Mobility Puerto Rico to their 1710.00 MHz to 1720.00 MHz frequency block, an agent from the San Juan Office observed the following violation:

- a. 47 C.F.R. § 90.210(g)(2): “For transmitters that are not equipped with an audio low-pass filter, the power of any emission must be attenuated below the modulated carrier power (P) as follows: On any frequency removed from the center of the authorized bandwidth by more than 250 percent of the authorized bandwidth: At least  $43 + 10 \log (P)$  dB.” Station WPCP978’s authorized center frequency is 855.36250 MHz. 250 percent of the authorized bandwidth is 50 kHz. At the time of inspection, Station WPCP978 was transmitting first harmonics between the band 1710.00 MHz and 1720.00 MHz (more than 850 kHz removed from authorized center frequency) which were attenuated 53.91 dB below the unmodulated carrier.<sup>3</sup>

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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> Station WPCP978 is authorized to operate with a 20 kHz bandwidth and a transmitter power of 100 Watts. Any emission appearing more than 50 kHz from the authorized frequency must be attenuated at least 63 dB below the unmodulated carrier. The same attenuation must be achieved for 856.3625 MHz, 857.3625 MHz, 858.3625 MHz and 859.3625 MHz frequencies associated with WPCP978.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>4</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. You 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.<sup>5</sup>

4. In accordance with Section 1.16 of the Rules, we direct you to support your response to this Notice with a signed and dated affidavit or declaration under penalty of perjury verifying the truth and accuracy of the information therein,<sup>6</sup> and confirming that all of the information requested by this Notice which is in your 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>7</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  
San Juan Office  
US Federal Building Room 762  
San Juan, PR 00918-1731

6. This Notice shall be sent to Puerto Rico Electric Power Authority at his address of record.

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<sup>4</sup> 47 U.S.C. § 308(b).

<sup>5</sup> 47 C.F.R. § 1.89(c).

<sup>6</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>7</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>8</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

William Berry  
Resident Agent  
San Juan Office  
South Central Region  
Enforcement Bureau

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<sup>8</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).