
Federal Communications Commission

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

In the Matter of)	
)	
Super Nice Cab Corp)	File No.: EB-FIELDSCR-15-00020151
)	
Licensee of Station WPCCK321)	NOV No.: V201632600001
)	
Miami, Florida)	

NOTICE OF VIOLATION

Released: November 5, 2015

By the Resident Agent, Miami 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)¹ to Super Nice Cab Corp (Super Nice), licensee of radio station WPCCK321 in Miami, Florida. 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 October 27, 2015, based on a Commission licensee's complaint of radio interference, an agent of the Enforcement Bureau's Miami Office monitored transmissions from radio station WPCCK321, and observed the following violations:

- a. 47 C.F.R. § 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." Furthermore, 47 C.F.R. § 1.903(b) states: "The holding of an authorization does not create any rights beyond the terms, conditions and period specified in the authorization." Super Nice is authorized under its license, WPCCK321, to operate a base station on frequency 462.075 MHz only from 401 NE 62nd St, Miami, Florida, at coordinates 25° 47' 53.4" N latitude and 080° 11' 32.2" W longitude, with an antenna height of 43 meters. On October 27, 2015, the agent observed that Super Nice was transmitting on frequency 462.075 MHz from 350 NW 215th St, Miami, Florida, at coordinates 25° 58' 16.3" N latitude and 080° 12' 31.2" W longitude. Super Nice personnel confirmed that it was operating on 462.075 MHz at a height of 850 feet (259 meters) under call sign WPCCK321 from 350 NW 215th St, Miami, Florida. Thus, Super Nice was operating on 462.075 MHz

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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from a location which is 12 miles from the authorized coordinates and with an antenna height which exceeds the authorized height by 216 meters.

- b. 47 C.F.R. § 90.210(d): “*Emission Mask D – 12.5 kHz channel bandwidth equipment*. For transmitters designed to operate with a 12.5 kHz channel bandwidth, any emission must be attenuated below the power (P) of the highest emission contained within the authorized bandwidth as follows: ... (3) On any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz) of more than 12.5 kHz: At least $50 + 10 \log(P)$ dB or 70 dB (at Super Nice’s 110 watts operating power, this calculates to 70.4 dB) whichever is the lesser attenuation.” On October 27, 2015, an agent observed that Super Nice’s transmissions generated spurious emissions in the range of 458.250 MHz to 458.450 MHz that were only attenuated 53 dB from the authorized frequency of 462.075 MHz.
- 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 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 October 27, 2015, between 1:00 p.m. and 2:30 p.m., the agent observed that station WPCCK321 did not transmit its call sign identification on the frequency 462.075 MHz.

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, Super Nice Cab Corp 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 Super Nice Cab Corp to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Super Nice Cab Corp, with personal knowledge of the representations provided in Super Nice Cab Corp’s response, verifying the truth and accuracy of the information therein,⁵ and confirming

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ 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

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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
Miami Office
P.O. Box 266468
Weston, FL 33326

6. This Notice shall be sent to Super Nice Cab Corp, at its address of record.

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

Steven DeSena
Resident Agent
Miami Office
South Central Region
Enforcement Bureau

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).'

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

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).