

Federal Communications Commission

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

In the Matter of)	
)	
Florida Airport Express Inc.)	File No.: EB-FIELDSCR-15-00020229
)	
Licensee of Station WNWK712)	NOV No.: V201632600002
)	
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 Florida Airport Express Inc., licensee of radio station WNWK712 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, an agent of the Enforcement Bureau’s Miami Office monitored transmissions from radio station WNWK712, and observed the following violation:

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.” Florida Airport Express Inc. is authorized under its license, WNWK712, to operate a base station on frequency 464.075 MHz only from 2766 NW 62nd St, Miami, Florida, at coordinates 25° 49’ 51.8” N latitude and 080° 14’ 32.7” W longitude, with an antenna height of 11 meters. The agent observed that Florida Airport Express Inc. was transmitting on frequency 464.075 MHz from 350 NW 215th St, Miami, Florida, at coordinates 25° 58’ 16.3” N latitude and 080° 12’ 31.2” W longitude. Florida Airport Express Inc. personnel confirmed that it was operating on 464.075 MHz at a height of 850 feet (259 meters) under call sign WNWK712 from 350 NW 215th St, Miami, Florida. Thus, Florida Airport Express Inc. was operating on 464.075 MHz from a location which is 9.9 miles from the authorized coordinates and with an antenna height which exceeds the authorized height by 248 meters.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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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, Florida Airport Express Inc. 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 Florida Airport Express Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Florida Airport Express Inc., with personal knowledge of the representations provided in Florida Airport Express Inc.'s 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
Miami Office
P.O. Box 266468
Weston, FL 33326

6. This Notice shall be sent to Florida Airport Express Inc., 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.

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 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.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

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