

Federal Communications Commission

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

In the Matter of)	
)	
L.I. Yellow Transportation, Inc.)	File No.: EB-FIELDNER-17-00023285
Licensee of Station WQST387)	
)	
Uniondale, New York)	NOV No.: V20173238004

NOTICE OF VIOLATION

Released: January 27, 2017

By the Regional Director, Region One, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to L.I. Yellow Transportation, Inc. (LI), licensee of Land Mobile Radio Service Station WQST387 in Uniondale, New York. 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 January 22, 2017, in response to a complaint, an agent of the Enforcement Bureau's New York Office inspected station WQST387 located in Hicksville, New York. During the inspection, the agent 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... ." LI was operating Station WQST387 from an unauthorized location and on unauthorized frequencies. According to the station license, LI is authorized to operate a base station (FB) on 464.3875 MHz and mobiles (MO) on 469.3875 MHz. The base station is authorized to operate at the EAB Building (European American Bank)³ on Hempstead Turnpike in Uniondale, New York at the coordinates 40° 43' 12.4" N.L. and 73° 34' 54.5"

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ The EAB Building is now known as the RXR Building, and is located in the RXR Plaza.

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W.L.⁴ At the time of inspection, the agent determined that LI was operating the base station on the unauthorized frequency 478.2875 MHz and the mobiles on the unauthorized frequency 481.2875 MHz. Furthermore, LI was operating the base station from the unauthorized location of 1 Frederick Place, Hicksville, New York, at the coordinates 40° 45' 51.9" N.L., 73° 31' 22.3" W.L., which is 6.995 kilometers from the authorized location.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁵ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, LI 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.⁶

4. In accordance with Section 1.16 of the Rules, we direct LI to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of LI with personal knowledge of the representations provided in LI's response, verifying the truth and accuracy of the information therein,⁷ and confirming that all of the information requested by this Notice which is in LI 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.⁸

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:

⁴ WQST387 License.

⁵ 47 U.S.C. § 308(b).

⁶ 47 C.F.R. § 1.89(c).

⁷ 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)'. " § 1.16.

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

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Region One Office
Enforcement Bureau
9200 Farm House Lane
Columbia, Maryland 21046

6. This Notice shall be sent to the LI at its address of record.

7. The Privacy Act of 1974⁹ 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 C. Dombrowski
Regional Director
Region One
Enforcement Bureau

⁹ P.L. 93-579, 5 U.S.C. § 552a(e)(3).