

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

In the Matter of	)	
	)	
Temple University	)	File No. EB-FIELDNER-18-00027156
Licensee of Station WPAG964	)	
	)	
Philadelphia, Pennsylvania	)	

**NOTICE OF VIOLATION**

**Released: June 18, 2018**

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),<sup>1</sup> to Temple University (Temple), licensee of Land Mobile Radio station WPAG964 in Philadelphia, Pennsylvania. Pursuant to Section 1.89(a) of the Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On April 18, 2018, agents of the Enforcement Bureau's New York Office inspected Station WPAG964 and found the following violations:

47 CFR § 1.903(a): "General rule. 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, except as specified in paragraph (b) of this section." The license for Station WPAG964 authorizes Temple University to operate a repeater station (FB2) on the frequency 464.700 MHz on Broad Street North of Montgomery Avenue in Philadelphia, Pennsylvania at the coordinates 39° 56' 58.4" North Latitude and 075° 09' 20.6" West Longitude with an output power of 25 watts. During the inspection on April 18, 2018, Agents found that Temple University was operating the repeater station from an unauthorized location and with excessive output power. Temple University was actually operating the 464.700 MHz repeater station at 3401 N Broad St in Philadelphia, Pennsylvania at the coordinates 40° 00' 20.7" North Latitude and 075° 09' 05.3" West Longitude. This location is 3.89 miles from the authorized location. Furthermore, the repeater

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

station was operating with a transmitter output power of 32 watts or 128% of the authorized output power.

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

4. In accordance with Section 1.16 of the Rules, we direct Temple to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Temple with personal knowledge of the representations provided in Temple's response, verifying the truth and accuracy of the information therein,<sup>5</sup> 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.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and mailed to the following address:

Federal Communications Commission  
Region One Office  
Enforcement Bureau  
P.O. Box 130  
Columbia, Maryland 21045

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

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</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>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

7. The Privacy Act of 1974<sup>7</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

David C. Dombrowski  
Regional Director  
Region One  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).