

**Federal Communications Commission**

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

In the Matter of )  
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Greenville Fire District ) File No.: EB-FIELDNER-18-00026731  
Licensee of Station KNED369 )  
Scarsdale, New York )

**NOTICE OF VIOLATION**

**Released: August 9, 2018**

By the Regional Director, New York Office, 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 Greenville Fire District, licensee of Land Mobile Radio Service station KNED369 in Scarsdale, NY. 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.<sup>2</sup>

2. On April 25, 2018, an agent of the Enforcement Bureau’s New York Office investigated a complaint of a continuous unmodulated carrier on 154.16 MHz. The Agent confirmed by direction finding techniques that a radio signal on the frequency 154.16 MHz was emanating from the fire station located at 711 Central Park Avenue, Scarsdale, New York 10583 and observed the following violation:

47 C.F.R. §90.403(f): “Stations licensed in this part shall not continuously radiate an unmodulated carrier except where required for tests as permitted in § 90.405, except where specifically permitted by this part, where specifically authorized in the station authorization, or on an as needed basis in the Radiolocation Radio Service.” During the investigation, the Agent determined that a radio transmitter located in a small room on the roof of the fire station was continuously radiating an unmodulated carrier on 154.16 MHz,<sup>3</sup> and that such operation was not authorized by Part 90, in the station authorization, or on an as-needed basis in the Radiolocation Radio Service. The Fire Chief said that the wires on the transmitter were inadvertently cut resulting in the transmitter radiating the constant unmodulated carrier.

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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> The radio transmitter was an Ericsson GE, COMB: MPFM3055, Serial#: 1117624, FCC ID: AXA9MZ-MUSH3B.

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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. Therefore, Greenville Fire District 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 Greenville Fire District to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Greenville Fire District with personal knowledge of the representations provided in Greenville Fire District's response, 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 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>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  
Columbia Regional Office  
P.O. Box 130  
Columbia, Maryland 21045

6. This Notice shall be sent to Greenville Fire District at its 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

David C. Dombrowski  
Regional Director  
Region One  
Enforcement Bureau  
Federal Communications Commission

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