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**Federal Communications Commission**

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

In the Matter of	)	
	)	
Big Six Towers, Inc.	)	File No. EB-FIELDNER-19-00029409
	)	
Licensee of Station WQLM734	)	FRN: 0019516640
	)	
Woodside, New York	)	
	)	

**NOTICE OF VIOLATION**

**Released: October 24, 2019**

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 Big Six Towers, Inc. ("Big Six"), licensee of Land Mobile Radio Service Station WQLM734 in Woodside, 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 violations noted herein.<sup>2</sup>

2. On July 11, 2019, in response to a complaint, Agents of the Enforcement Bureau's New York Office inspected station WQLM734 in Woodside, New York 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...." According to the station's license Big Six is authorized to operate a base station (FB) on the frequency 462.1375 MHz and mobile units (MO) on the frequencies 462.1375 MHz and 467.1375 MHz. At the time of inspection, the Agents observed that Big Six was operating the base station and mobile units on the frequency 461.0675 MHz, which is not a frequency authorized in the license for WQLM734.

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

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3. Pursuant to section 308(b) of the Communications Act of 1934, as amended (Act), and section 1.89 of the Commission's rules, we seek additional information concerning the violations and any remedial actions taken.<sup>3</sup> Therefore, Big Six 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 Commission's rules, we direct Big Six to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Big Six with personal knowledge of the representations provided in Big Six's response, verifying the truth and accuracy of the information therein, 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.<sup>5</sup> 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 Number specified above, and mailed to the following address:

Federal Communications Commission  
Enforcement Bureau  
Columbia Regional Office  
9050 Junction Drive  
Annapolis, Maryland 20701  
FIELD@FCC.GOV

6. This Notice shall be sent to Big Six Towers, Inc., 59-55 47<sup>th</sup> Avenue, Woodside, New York 11377.

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

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<sup>3</sup> 47 U.S.C. 308(b); 47 CFR § 1.89.

<sup>4</sup> 47 CFR § 1.89(c).

<sup>5</sup> Section 1.16 of the Commission's 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 CFR § 1.16.

<sup>6</sup> 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

<sup>7</sup> 5 U.S.C. § 552a(e)(3).

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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-