

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Valero Refining Company-NJ	)	File No. EB-04-PA-075
	)	
Paulsboro, New Jersey	)	
	)	
Attention: Patrick Donnelly	)	NOV No. V20043240014

**NOTICE OF VIOLATION**

**Released: April 20, 2004**

By the District Director, Philadelphia Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to Valero Refining Company-NJ ("Valero").

2. On April 13, 2004, an agent of the Commission's Philadelphia Office investigated a harmful radio interference problem affecting the licensed radio communications of Swarthmore College on the frequency 461.025 MHz. The Philadelphia Office found that the GPS Surveyor System that Valero was operating at its Paulsboro, New Jersey site was the source of the co-channel interference to Swarthmore College. During the investigation, the Philadelphia Office also found that Valero was in violation of the following:

- a. 47 C.F.R. § 90.137(b): "When any unit or units of a base station or fixed station which are authorized for operations at temporary locations actually remain or are intended to remain at the same location for more than 1 year, an application for a separate authorization specifying the fixed location shall be made as soon as possible, but not later than 30 days after the expiration of the 1 year period." Valero has been operating a GSP Surveyor System at 800 Billingsport Road, Paulsboro, New Jersey for more than one year. However, the license WPVR276 only authorizes Valero to operate the radio transmitting equipment at locations in New Jersey on a temporary basis. Valero must obtain authorization to operate the radio transmitting equipment at the fixed location.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Valero Refining Company-NJ, must submit a written statement

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 U.S.C. § 308(b).

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concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific actions taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective actions. The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. 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  
Philadelphia Office  
One Oxford Valley Building, Suite 404  
2300 East Lincoln Highway  
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to Valero Refining Company-NJ, Attn: Patrick Donnelly, 800 Billingsport Road, Paulsboro, New Jersey 08066.

5. The Privacy Act of 1974<sup>3</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. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

John E. Rahtes  
District Director  
Philadelphia Office

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

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*