

Federal Communications Commission

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

In the Matter of)	
)	
Nassau Broadcasting II, L.L.C.)	File No. EB-04-NY-105
Licensee of Radio Station WCHR)	
Facility ID # 28130)	NOV No. V20043238015
Flemington, NJ)	

NOTICE OF VIOLATION

Released: May 21, 2004

By the District Director, New York Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Nassau Broadcasting II, L.L.C., licensee of radio station WCHR.

2. On May 14, 2004, an agent of the Commission's New York Office inspected radio station WCHR, licensed to Flemington, New Jersey, and observed the following violation(s):

- a. 47 C.F.R. § 73.62(b)(3): "If any monitoring point exceeds its specified limit, the licensee must either terminate operation within 3 hours or reduce power in accordance with the applicable provisions of 73.1350(d), in order to eliminate any possibility of interference or excessive radiation in any direction." During the inspection and while in daytime operation, the field strength of the 50 degree radial monitoring point was found to be 58 mV/m. This is 120.8 % of the maximum field strength value listed on the license.
- b. 47 C.F.R. § 73.1820(a)(1)(iii): "Entries must be made in the station log...An entry of each test and activation of the Emergency Alert System (EAS)..." During the period from January 28, 2004 to May 12, 2004, there were no entries of EAS received tests. There was no explanation for why EAS tests were not received.
- c. 47 C.F.R. § 11.61(a)(2)(i)(A): "Effective January 1, 1997, AM, FM, and TV stations must conduct tests of EAS header and EOM codes at least once a week at random days and times." The EAS printouts showed that the weekly transmits from January 28, 2004 to May 12, 2004, were each transmitted on Wednesday at 3:25 a.m. and were therefore not conducted on random days and at random times.

¹ 47 C.F.R. § 1.89.

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- d. 47 C.F.R. § 73.1870(b)(3): “The designation of the chief operator must be in writing with a copy of the designation posted with the station license.” At the time of the inspection, the station did not have a written designation of the chief operator.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Nassau Broadcasting II, L.L.C., must submit a written statement 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 action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). 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
New York Office
201 Varick Street, Suite 1151
New York, NY 10014

4. This Notice shall be sent to Nassau Broadcasting II, L.L.C., Radio Station WCHR, 619 Alexander Road, 3rd Floor, Princeton, NJ 08540.

5. The Privacy Act of 1974³ 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.⁴

FEDERAL COMMUNICATIONS COMMISSION

Daniel W. Noel
District Director
New York Office

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*