

Federal Communications Commission

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

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| In the Matter of |) | |
| |) | |
| Newark Auto Cab Company, Inc. |) | File No. EB-04-NY-121 |
| Licensee of Radio Station WPMY485 |) | |
| Newark, NJ |) | NOV No. V20043238018 |

NOTICE OF VIOLATION

Released: June 18, 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 Newark Auto Cab Company, Inc., licensee of radio station WPMY485.

2. On June 8, 2004, an agent of the Commission's New York Office inspected radio station, WPMY485, located at Newark, New Jersey, 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." In this connection, licensees shall exercise such direction and control as to assure that the transmitter is being operated in a permissible manner. The station was operating outside the emission mask specified in 47 C.F.R. §90.210(c)(1) with frequency deviation of 8.5 kHz in excess of the normal deviation of 5 kHz for FM two-way radio.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Newark Auto Cab Company, Inc., 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 owner 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:

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

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New York Office
201 Varick Street, Suite 1151
New York, NY 10014

4. This Notice shall be sent to Newark Auto Cab Company, Inc., 517 Springfield Avenue, Newark, NJ 07103.

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

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*