

Federal Communications Commission

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

In the Matter of)	
)	
Bouchard Transportation Co., Inc.)	File No. EB-04-NY-214
Licensee of Radio Station KQU414)	
Hicksville, NY)	NOV No. V20043238025

NOTICE OF VIOLATION

Released: August 4, 2004

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

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Bouchard Transportation Co., Inc., licensee of radio station KQU414.

2. On July 31, 2004, agents of the Commission's New York Office inspected Bouchard's radio transmitting equipment located at Caddell East Yard, 1351 Richmond Terrace, Staten Island, New York, and observed the following violations:

- a. 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 from the unauthorized location specified above, whereas the station license only authorizes operation from a fixed location at 21 West Street, New York City, New York.
- b. 47 C.F.R. §80.89(d): "Stations must not, when using telephony, transmit signals or communications not addressed to a particular station or stations." The station was unintentionally transmitting a continuous carrier on 156.500 MHz, which was interfering with radio communications on marine channel 10.

¹ 47 C.F.R. § 1.89.

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Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Bouchard Transportation Co., 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:

Federal Communications Commission
New York Office
201 Varick Street, Suite 1151
New York, NY 10014

3. This Notice shall be sent to Bouchard Transportation Co., Inc., 58 South Service Road, Suite 150, Melville, NY 11747.

4. 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.*