

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Classic Car Service Corporation	)	File No. EB-04-NY-215
Licensee of Radio Station WQAA328	)	
Astoria, NY	)	NOV No. V20043238026

**NOTICE OF VIOLATION**

**Released: August 25, 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,<sup>1</sup> to Classic Car Service Corporation, licensee of radio station WQAA328.

2. On August 12, 2004, agents of the Commission's New York Office inspected radio station, WQAA328, located at 38-12 Astoria Blvd, Astoria, NY 11104, 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 26-16 23<sup>rd</sup> Avenue, Astoria, NY 11105.
- b. 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 with a transmitter output power of 130 watts, which is in excess of the power stated in the station license.

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<sup>1</sup> 47 C.F.R. § 1.89.

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- c. 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. At the time of the investigation, it was determined that the base station and mobile units were operating on a frequency of 31.02 MHz, whereas your station license specifies operation for both base and mobile units on a frequency of 31.56 MHz.

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, Classic Car Service Corporation 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

4. This Notice shall be sent to Classic Car Service Corporation, 38-12 Astoria Blvd, Astoria, NY 11104.

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<sup>2</sup> 47 U.S.C. § 308(b).

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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

Daniel W. Noel  
District Director  
New York 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.*