

Federal Communications Commission

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

In the Matter of)	
)	
Brentwood Borough School District)	File No. EB-04-PA-149
)	
Radio Station WPMV484)	
)	
Brentwood, Pennsylvania)	NOV No. V20043240016
)	

NOTICE OF VIOLATION

Released: September 30, 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,¹ to the Brentwood Borough School District ("Brentwood"), the licensee of station WPMV484.

2. On September 17, 2004, an agent of the Commission's Philadelphia Office inspected the radio transmitting equipment at the Brentwood Borough Middle School, 3601 Brownsville Road, Pittsburgh, Pennsylvania 15227. During the inspection, the FCC agent found the following violation:

- 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, except as specified in paragraph (b) of this section." Brentwood was operating a base station and handheld radios on the frequencies 464.500 MHz, 469.500 MHz, 464.550 MHz and 469.550 MHz. However, the license for station WPMV484 only authorized the operation of mobile units on the frequencies 451.3125 MHz, 451.5125 MHz, 451.7125 MHz and 452.0625 MHz. Consequently, Brentwood was operating the base station without authorization and operating on unauthorized frequencies.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Brentwood Borough School District must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 308(b).

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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 the Brentwood Borough School District, Attn. Dr. Larry Kushner, Principal, Brentwood Middle School, 3601 Brownsville Road, Pittsburgh, Pennsylvania 15227.

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

John E. Rahtes
District Director
Philadelphia Office

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*