

**Federal Communications Commission**

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

In the Matter of	)	
	)	
ORC Repeater and Comm Inc.	)	File No. EB-08-NY-0418
Licensee of Radio Station WQDL718	)	
Bronx, New York	)	NOV No. V200932380014

**NOTICE OF VIOLATION**

**Released: December 19, 2008**

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 ORC Repeater and Comm Inc. (“ORC”), licensee of private land mobile radio station WQDL718, Bronx, New York.
2. On December 12, 2008, in response to a complaint of interference, an agent of the Commission’s New York Office inspected radio station WQDL718, 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..." According to the station license, ORC is authorized to operate a 6.1 meter Control Station on the frequency 469.775 MHz. at 1787 Amsterdam Avenue, Bronx, New York. At the time of inspection, an agent determined that ORC operated a base station on the frequency 469.775 MHz at 1787 Amsterdam Avenue, Bronx, New York.
  - b. 47 C.F.R. § 90.425(a): “Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation. The call sign shall be transmitted by voice in the English language or by International Morse Code in accordance with paragraph (b) of this section....” On December 12, 2008, between 9:45 a.m. and 11:30

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<sup>1</sup>47 C.F.R. § 1.89.

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a.m., ORC did not transmit its call sign identification for station  
WQDL718 on the frequency 469.775 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, ORC must submit a written statement concerning this matter within twenty (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 ORC. 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, New York 10014

4. This Notice shall be sent to ORC Repeater and Comm Inc. at its address of record.
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 District Office  
Northeast Region  
Enforcement Bureau

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<sup>2</sup>47 U.S.C. § 308(b).

<sup>3</sup>P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup>18 U.S.C. § 1001 *et seq.*