

Federal Communications Commission

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

In the Matter of)	
)	
Community Hospitals of Indiana, Inc.)	File No. EB-09-CG-0009
Licensee of Radio Station WNCX818)	
Indianapolis, Indiana)	NOV No. V20093232004
)	
Attention: Bill Beard)	
)	

NOTICE OF VIOLATION

Released: February 24, 2009

By the District Director, Chicago Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to Community Hospitals of Indiana, Inc., licensee of radio station WNCX818.
2. On February 3, and February 4, 2009, an agent of the Commission’s Chicago Office monitored the transmissions from station WNCX818 on the frequency 463.950 MHz and observed the following violations:
 - a. 47 C.F.R. § 1.903(a): “*General rule.* 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.” When monitored, the station was found to be transmitting digitized voice. The F3E class of emission is authorized for this station. This class of emission does not authorize digitized voice communication.
 - b. 47 C.F.R. § 90.403(e): “Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference.” Monitoring revealed that transmissions were being made without regard for co-channel traffic by other licensees.

¹47 C.F.R. § 1.89.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Community Hospitals of Indiana Inc, 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 the licensee. 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
Chicago Office
1550 North Northwest Hwy, Suite 306
Park Ridge, IL 60068

4. This Notice shall be sent to Community Hospitals of Indiana, Inc. at its address of record.
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

James M. Roop
District Director
Chicago District Office
Northeast Region
Enforcement Bureau

²47 U.S.C. § 308(b).

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*