

Federal Communications Commission

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

In the Matter of)	
)	
County of Marion)	
Central Communications)	File No. EB-09-CF-0047
Licensee of Radio Station KWQ479)	
)	
Fairmont, WV)	NOV No. V200932340006
)	

NOTICE OF VIOLATION

Released: April 7, 2009

By the Acting District Director, Columbia Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to County of Marion ("Marion County"), licensee of radio station KWQ479.

2. On April 1, 2009, agents of the Commission's Columbia Office monitored and subsequently inspected radio station KWQ479 located at 50 Centerview Drive, Fairmont, WV, and observed the following violations:

- a. 47 C.F.R. § 1.903(b): "The holding of an authorization does not create any rights beyond the terms, conditions and period specified in the authorization." Marion County is licensed to operate a base station at a location identified as 903 E State Street, Fairmont, WV, with coordinates 39-28-14N, 080-07-56W. During the inspection on April 1, 2009, the agents determined that the transmitter is located at 50 Centerview Street, Fairmont, WV with the approximate coordinates of 39-28-11N, 080-08-10W. Additionally, Marion County is authorized to operate a transmitter at a location at Williams Crossroads in Marion county WV at coordinates 39-24-58N, 080-03-51W. Using direction finding techniques, the agents determined that the approximate coordinates for this transmitter are 39-25-29N, 080-05-15W, approximately 1.4 miles northwest of the licensed coordinates.
- b. 47 C.F.R. § 90.243(b)(1): "In the Public Safety Pool, medical services systems in the 150-160MHz band are permitted to be cross-banded for mobile and central stations operations with mobile relay stations authorized

¹ 47 C.F.R. § 1.89.

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to operate in the 450-470MHz band.” Based on monitoring and a statement from the director of Marion County’s 911 Center, the agents determined that Marion County cross-banded to the unauthorized frequency of 46.46 MHz.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Marion County, 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 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
Columbia Office
9600 Farm House Lane
Columbia, Maryland 21046

4. This Notice shall be sent to Marion County, 903 E State Street, Fairmont, WV 26554, the address of record. A copy shall also be sent to the licensee’s new address at 50 Centerview Street, Fairmont, WV 26554.

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

Richard M. Caine
Acting District Director
Columbia 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.*

