

Federal Communications Commission

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

In the Matter of)	
)	
Friendly Five Corp DBA Lincoln Cab)	File No. EB-09-CF-0033
Licensee of Radio Station WPKM430)	
Lanham, MD)	NOV No. V200932340004
)	
)	

NOTICE OF VIOLATION

Released: March 25, 2009

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

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Friendly Five Corp DBA Lincoln Cab, licensee of private land mobile station WPKM430 in Lanham, Maryland.

2. On March 13, 2009, an agent of the Enforcement Bureau's Columbia Office monitored station WPKM430 located at 7705 Annapolis Road, Lanham, MD, 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." Friendly Five Corp DBA Lincoln Cab is licensed to operate a base station at a location identified as 7705 Annapolis Road, Lanham, MD, with coordinates 38-57-30.4N, 076-51-58.9W. During the inspection on March 13, 2009, the agent determined that the transmitter is physically located at this address; however, the approximate coordinates for this address are 38-57-08N 076-52-44W, about .8 of a mile southwest of the licensed coordinates. The license must be either modified to show the correct transmitter coordinates for that physical location, or the transmitter must be moved to the location specified on the license.

- b. 47 C.F.R. § 90.403(c): "Except for stations that have been granted exclusive channels under this part and that are classified as commercial mobile radio service providers pursuant to part 20 of this chapter, each licensee must restrict all transmissions to the minimum practical transmission time and must employ an efficient operating procedure designed to maximize the utilization of the spectrum." During monitoring by the agent, Friendly Five Corp DBA Lincoln

¹ 47 C.F.R. § 1.89.

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Cab Inc. continuously transmitted a data stream and steady carrier on frequency 152.450 MHz, not allowing other licensees use of the frequency.

- c. 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.” During the inspection on March 13, 2009, the agent observed that Friendly Five Corp DBA Lincoln Cab did not have the equipment or capability to monitor for other users on frequency 152.450 MHz.
- d. 47 C.F.R. § 90.425(a): “Stations licensed under this part . . . shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes . . . during periods of continuous operation.” During the monitoring by the agent from 10:00 A.M. until 12:00 P.M., Friendly Five Corp DBA Lincoln Cab Inc did not transmit its assigned call sign.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Friendly Five Corp DBA Lincoln Cab Inc, 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 Friendly Five Corp DBA Lincoln Cab Inc. 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 Field Office
9200 Farm House Lane
Columbia, MD 21046

4. This Notice shall be sent to by Certified Mail/Return Receipt Requested and regular mail to Friendly Five Corp DBA Lincoln Cab Inc at its address of record.

² 47 U.S.C. § 308.

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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 District Office
Northeast Region
Enforcement Bureau

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*