

Federal Communications Commission

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

In the Matter of)	
)	
Yellow Cab of Greater Orange County)	File No. EB-11-SD-0269
)	
Licensee of Radio Station KMA699)	NOV No. V201232940005
Anaheim, CA)	

NOTICE OF VIOLATION

Released: January 11, 2012

By the District Director, San Diego Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules,¹ to Yellow Cab of Greater Orange County, (“Yellow Cab”) licensee of radio station KMA699, Anaheim, CA.

2. On December 29, 2011, in response to a radio interference complaint, an agent from the Enforcement Bureau’s San Diego Office monitored the frequency 452.150 MHz, and used direction finding techniques to locate the station KMA699, which was found to be located at the top of Santiago Peak in the Santa Ana Mountains near Corona, CA. The agent observed the following violations:

- a. 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.” At the time of the investigation, the agent observed that KMA699 was transmitting on 452.150 MHz nearly continuously.
- 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.” At the time of the investigation, the agent monitored KMA699 and observed a digitally modulated continuous signal, on 452.150 MHz, a frequency shared with other licensees in the Los Angeles and San Diego areas.
- c. 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

¹ 47 C.F.R. § 1.89.

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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.” At the time of the investigation, agents monitored the signal and heard a Morse code signal, but it was not a call sign identifying emission.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Yellow Cab 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 Yellow Cab. 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
San Diego District Office
4542 Ruffner Street, Suite 370
San Diego, CA 92111

4. This Notice shall be sent to Yellow Cab of Greater Orange County 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 T. Lyon
District Director
San Diego District Office
Western Region
Enforcement Bureau

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.*