

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

In the Matter of	)	
	)	
Statcom Communications Corp.	)	File No. EB-00-PA-088
Staten Island, New York	)	NAL Acct. No. X3240003

**MEMORANDUM OPINION AND ORDER**

**Adopted: November 1, 2001**

**Released: November 5, 2001**

By the Chief, Enforcement Bureau:

**I. Introduction**

1. In this *Memorandum Opinion and Order* (“*Order*”), we cancel a four thousand dollar (\$4,000) *Notice of Apparent Liability for Forfeiture* (“*NAL*”)<sup>1</sup> that the Philadelphia Field Office issued to Statcom Communications Corp. (“Statcom”) for apparently violating Section 90.403(e) of the Commission’s Rules (“Rules”).<sup>2</sup> The violation involved Statcom’s alleged failure to monitor 461.525 MHz, a shared frequency, before transmitting.

2. After reviewing the record, including Statcom’s decision to cease operating on 461.525 MHz,<sup>3</sup> we conclude that cancellation of the *NAL* is warranted. This case prompts us, however, to urge Commission licensees to consider their operational environment in complying with Section 90.403(e) of the Rules. In some circumstances, licensees may find it prudent to install more selective monitoring equipment to ensure that harmful interference to shared frequencies is avoided.

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 504(b) of the Communications Act of 1934,<sup>4</sup> as amended, and Section 1.80(f)(4) of the Rules,<sup>5</sup> the captioned *NAL* issued to Statcom **IS CANCELLED**.

4. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by certified mail, return receipt requested, to Statcom Communications Corp., 1324 Forest Avenue,

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<sup>1</sup> *Statcom Communications Corp.*, NAL Acct. No. X3240003 (Enf. Bur., Phila. Office, rel. Aug. 8, 2000).

<sup>2</sup> 47 C.F.R. § 90.403(e).

<sup>3</sup> On July 31, 2001, the Wireless Telecommunications Bureau granted Statcom’s application to delete frequency 461.525 MHz from its license. *See* Wireless Telecommunications Bureau Application File No. 0000427785.

<sup>4</sup> 47 U.S.C. § 504(b).

<sup>5</sup> 47 C.F.R. § 1.80(f)(4).

Staten Island, New York 10302, and to its counsel, Pamela Gaary, Esq., Lukas, Nace, Gutierrez & Sachs, Chartered, 1111 19<sup>th</sup> Street, N.W., 12<sup>th</sup> Floor, Washington, D.C. 20036.

**FEDERAL COMMUNICATIONS COMMISSION**

David H. Solomon  
Chief, Enforcement Bureau