

FCC Violations

On August 13, 2020, the Resident Agent, San Juan Office, South Central Region, of the FCC's Enforcement Bureau issued a Notice of Violation (“*NOV*”) against WJPX(TV), San Juan Puerto Rico (Facility ID No. 58340) (“WJPX”), alleging that WJPX violated the power level requirements provided in Section 73.622(h)(1) of the Commission's rules, and ordered WJPX's licensee, America-CV Station Group, Inc. (“ACV”), to submit a written statement concerning the alleged violation within 20 days of the *NOV*.¹ On August 31, 2015, ACV submitted a written statement in response to the *NOV* stating that repairs to WJPX's facilities were being made to resolve the technical issues causing violations.² To ACV's knowledge, no further action was taken with respect to the *NOV*.

¹ *America-CV Station Group, Inc.*, Notice of Violation, File No. EB-FIELDSCR-1500019701, NOV No. V201532680005 (rel. Aug. 13, 2015).

² Letter from Peter Tannenwald, Esq., Counsel for America-CV Station Group, Inc., to William Berry, Resident Agent, FCC San Juan Office (Aug. 31, 2015).

Federal Communications Commission

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

In the Matter of)	
)	
America-CV Station Group, Inc.)	File No. EB-FIELDSCR-15-00019701
)	
Licensee of TV Station WJPX)	NOV No. V201532680005
)	
San Juan, PR)	
)	

NOTICE OF VIOLATION

Released: August 13, 2015

By the Resident Agent, San Juan Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to America-CV Station Group, Inc., licensee of TV Station WJPX in San Juan, PR. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On August 3, 2015, in response to a complaint of interference from adjacent channel operators, an agent of the Enforcement Bureau's San Juan Office, monitored and measured WJPX's transmitter and observed the following violation(s):

- a. 47 C.F.R § 73.622(h)(1): "The power level of emissions on frequencies outside the authorized channel of operation must be attenuated no less than the following amounts below the average transmitted power within the authorized channel. In the first 500 kHz from the channel edge the emissions must be attenuated no less than 47 dB ..." At the time of inspection, emissions on 518.500 MHz (500 KHz from the high channel edge) were attenuated only 21.31 dB, and emissions on 511.500 MHz (500 kHz from the low channel edge) were attenuated only 23.32 dB.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, America-CV Station Group, Inc. must submit a written statement concerning

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ 47 U.S.C. § 308(b).

Federal Communications Commission

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 America-CV Station Group, Inc.⁴

4. In accordance with Section 1.16 of the Rules, we direct America-CV Station Group, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of America-CV Station Group, Inc. with personal knowledge of the representations provided in its response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. 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 Juan Office
US Federal Building Room 762
San Juan, PR, 00918-1731

6. This Notice shall be sent to America-CV Station Group, Inc. at its address of record.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

Federal Communications Commission

7. The Privacy Act of 1974⁷ 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.

FEDERAL COMMUNICATIONS COMMISSION

William Berry
Resident Agent
San Juan Office
South Central Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).



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August 31, 2015

* NOT ADMITTED IN VIRGINIA

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Via Federal Express

William Berry, Resident Agent
Federal Communications Commission
San Juan Office
U.S. Federal Building, Room 762
San Juan, PR 00918-1731

Re: WJPX(TV), San Juan, PR
File No. EB-FIELDSCR-15-00019701
NOV No. V-201532680005

Dear Mr. Berry:

I am enclosing the response of America-CV Station Group, Inc. to the above-referenced Notice of Violation, released August 13, 2015.

The response refers to a request for special temporary authority filed with the Commission in Washington. Since the STA request may not appear online through LMS for a couple of days, I am enclosing a paper print-out for ready reference.

If you have any questions about this response, I would appreciate your contacting me.

Very truly yours,

Peter Tannenwald
Counsel for America-CV Station Group, Inc.

AMERICA-CV STATION GROUP, INC.

13001 N.W. 107TH Ave.
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Tel. 305-592-4141

August 31, 2015

William Berry, Resident Agent
Federal Communications Commission
San Juan Office
U.S. Federal Building, Room 762
San Juan, PR 00918-1731

Re: WJPX(TV), San Juan, PR
File No. EB-FIELDSCR-15-00019701
NOV No. V-201532680005

Dear Mr. Berry:

America-CV Station Group, Inc. hereby responds to the above-reference Notice of Violation, released August 13, 2015. The NOV was for failure by WJPX to comply with the requirement in Section 73.622(h)(1) of the Commission's Rules that the power level of emissions on frequencies outside the authorized channel of operation must be attenuated no less than 47 dB below average transmitter power in the first 500 kHz from the channel edge.

Station engineering personnel attempted to tune the transmitter to reduce sideband emissions; but because of problems with the output cavity, they were unable to bring the sideband emission level down to less than 42 dB below average transmitter power.

New parts were ordered immediately, on August 13, and were shipped and delivered. However, the station's engineers have been unable to complete the repair successfully and have called for assistance from a factory technician. The station is located offshore, in Puerto Rico, and the Labor Day holiday is nearly here. The earliest date when a factory technician can be on site is the week of September 8-11.

We have filed a request through the FCC's electronic LMS system for special temporary authority to operate at variance from licensed parameters pending completion of repairs.

Although the NOV states that the FCC received a complaint of interference from adjacent-channel operators, our STA request includes letters from both WSJN-LD, Channel 20, San Juan, and WVDO-LD, Channel 22, Carolina, the two nearest adjacent-channel stations,

William Berry, Resident Agent
August 31, 2015
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stating that they have no objection to a grant of an STA to WJPX to operate at variance pending completion of repairs.

Attached is a declaration under penalty of perjury from our Director of Engineering, attesting to the accuracy of the statements in this letter.

Respectfully submitted,


Pedro V. Roig

Court-Appointed Receiver for
America-CV Station Group, Inc.


DECLARATION OF GERD RIEGER

GERD RIEGER hereby declares as follows:

1. I am Director of Engineering for America-CV Station Group, Inc.
2. My duties include supervising engineering operations and maintenance for all of the America-CV stations, including WJPX, San Juan, PR.
3. I have personally supervised attempted repairs of the WJPX transmitter to reduce sideband emissions, although I have not traveled in Puerto Rico to inspect the transmitter myself.
4. I have reviewed the statements in the letter from Pedro V. Roig, Receiver, responding to the FCC's Notice of Violation released August 13, 2015. Those statements are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed on August 31, 2015.



Gerd Rieger

OK
Pedro Roig