

Federal Communications Commission

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

In the Matter of)	
)	
Marshall's Distribution Inc.)	File No. EB-10-PA-0074
Licensee of Radio Station WPXF747)	
Philadelphia, Pennsylvania)	NOV No. V201032400042
)	
)	

NOTICE OF VIOLATION

Released: May 27, 2010

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to Marshall's Distribution Inc., licensee of radio station WPXF747 in Philadelphia, Pennsylvania.

2. On March 24, 2010, agents of the Commission's Philadelphia Office inspected radio station WPXF747 located in Philadelphia, Pennsylvania and observed the following violation:

47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Service must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission..." Agents found during the inspection that Marshall's Distribution Inc. was operating radio transmitting equipment on the frequencies 451.3375 MHz, 452.8375 MHz, and 452.8875 MHz as a Mobile Relay (FB2). At the time of the inspection, the license for WPXF747 only authorized the use of these frequencies for mobiles (MO).²

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, Marshall's Distribution Inc. 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 the licensee. All replies and

¹47 C.F.R. § 1.89.

² Marshall's Distribution Inc. modified their license on April 27, 2010, to include the use of the Mobile Relays on the frequencies 451.3375 MHz, 452.8375 MHz, and 452.8875 MHz.

³47 U.S.C. § 308(b).

Federal Communications Commission

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
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to Marshall's Distribution Inc. at its address of record.
5. The Privacy Act of 1974⁴ 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.⁵

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

⁴P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁵18 U.S.C. § 1001 *et seq.*