

Post-It™ brand fax transmittal memo 7671		# of pages
To: KENNETH	From: Carol Foelch	
Co: HARDMAN	Co: FCC	
Dept:	Phone #: 632-7125	

CAP. 25

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

July 30, 1992

In Reply Refer to:
7320-13/91186

RAM Technologies, Inc.
d.b.a. Ram Page
2025 13th St.
P. O. Box 1760
Ashland, Kentucky 41105-1760

RE: WKNJ-621

Dear Licensee:

Information before the Commission, including Commission monitoring and inspection, indicates that on August 12, 13, 14, and 15, 1991, private land mobile radio station WKNJ-621, a private carrier paging system licensed to RAM Technologies, Inc., doing business as Ram Page, employed a timer and monitoring hardware designed to delay transmission on the frequency 152.48 MHz in the Charleston, West Virginia, and Huntington, West Virginia areas, for approximately two (2) minutes or until the frequency was not in use, which ever came first. In an instance where the frequency was in use at the time of attempted transmission by station WKNJ-621, and had not been vacated after a two-minute period, use of such a timer and monitoring hardware assured initiation of transmissions by station WKNJ-621 during other ongoing communications.

Use of such a timer and monitoring hardware is likely to cause harmful interference to the legitimate transmissions of other duly-authorized Commission licensees sharing these frequencies, and, if it caused such interference, would be a clear violation of Section 90.405(e) of the Commission's Rules, 47 C.F.R. § 90.405(e).¹ In an instance of harmful interference to the legitimate communications of another duly-authorized Commission licensee sharing these channels, use of such a timer and monitoring hardware would also clearly constitute *prima facie* evidence of willful violation of Section 333 of the Communications Act of 1934, as amended, 47 U.S.C. § 333.

Information before the Commission further indicates that on August 12, 13, 14, and 15, 1991, private land mobile station WKNJ-621 repeatedly initiated transmissions on the frequency 152.48 MHz in the Charleston, West Virginia, and Huntington, West Virginia, areas, while that frequency was occupied by

¹ 47 C.F.R. § 90.405(e) provides: "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 harmful interference."

Federal Communications Commission

Docket No. 93-231 Exhibit No. 25

Presented by CAPITOL

Disposition { Identified 02/04/94
Received 02/04/94
Rejected _____

Reporter M. K. FLEISHMAN

Date 2/4/94

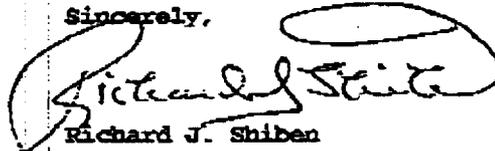
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UNCLAS 002
RAM Technologies, Inc.

2.

ongoing transmissions from private land mobile station WNSX-646, licensed to Capitol Radiotelephone, Inc., d.b.a. Capitol Paging. Transmissions of station WNSX-646 on the frequency 152.48 MHz during that period are the subject of a Notice of Apparent Liability to Monetary Forfeiture (NAL) adopted on the same day as the date of this letter. It appears that these transmissions were primarily for the purpose of intentionally obstructing your communications.

We are therefore declining to take compliance action against you for the above-described transmissions of station WNSX-646 on August 12, 13, 14, and 15, 1991, at this time. Be advised, however, that continued use of the timer and monitoring hardware described in this letter will almost certainly result in the need for us to impose a monetary forfeiture or initiate revocation proceedings against station WNSX-646 for harmful interference.

Sincerely,



Richard J. Shiben
Chief, Land Mobile and
Microwave Division
Private Radio Bureau

Copy to: Mr. Frederick M. Joyce
Joyce & Jacobs
2300 M Street, N.W.
Washington, D.C. 20037