

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

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| In the Matter of                                   | ) |                                   |
|  | ) | File No.: EB-FIELDSCR-18-00028272 |
| CA Solutions, Inc. (d/b/a Boom Solutions), Caguas, | ) | NAL/Acct. No.: 201932020003       |
| Puerto Rico  | ) | FRN: 0028605244                   |
|  | ) |                                   |
| Boom Net, LLC (d/b/a Boom Solutions), Caguas,      | ) | FRN: 0028605277                   |
| Puerto Rico  | ) |                                   |
|  | ) |                                   |

**FORFEITURE ORDER**

**Adopted: February 26, 2020****Released: February 26, 2020**

By the Acting Field Director, Enforcement Bureau:

1. The Federal Aviation Administration (FAA) uses terminal doppler weather radar stations to detect wind shear and other dangerous weather conditions near airports. Interference to these radar stations is unacceptable and, in certain circumstances, could be potentially life threatening. Here, we impose a penalty of \$25,000, jointly and severally, against CA Solutions, Inc., d/b/a Boom Solutions, and Boom Net, LLC, d/b/a Boom Solutions, (together, Boom Solutions) for willfully operating two Unlicensed National Information Infrastructure (U-NII) devices in an unauthorized manner that caused interference to the FAA's terminal doppler weather radar station in San Juan, Puerto Rico.<sup>1</sup>

2. On November 6, 2018, Bureau personnel observed that Boom Solutions operated two U-NII devices with the required Dynamic Frequency Selection feature disabled.<sup>2</sup> With Dynamic Frequency Selection disabled, Boom Solution's U-NII devices were not configured to sense the presence of the FAA's terminal doppler weather radar station and to move to a non-interfering frequency. On August 22, 2019, the Enforcement Bureau (Bureau) issued a *Notice of Apparent Liability for Forfeiture and Order*<sup>3</sup> proposing a \$25,000 forfeiture against Boom Solutions for apparent willful violation of section 301 of the Communications Act of 1934, as amended (Act),<sup>4</sup> and sections 15.1(b) and 15.407(h)(2) of the Commission's rules.<sup>5</sup> On September 27, 2019, the Bureau received an e-mail from Boom Solutions stating that the company had taken remedial action and seeking a reduction of the

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<sup>1</sup> Any entity that is a "Small Business Concern" as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, "Oversight of Regulatory Enforcement," in addition to other rights set forth herein.

<sup>2</sup> The *Notice* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference. *CA Solutions, Inc. (d/b/a Boom Solutions), Caguas, Puerto Rico, and Boom Net, LLC (d/b/a Boom Solutions), Caguas, Puerto Rico*, Notice of Apparent Liability for Forfeiture and Order, 34 FCC Rcd 7236, 7237, para 5 (EB 2019) (*Notice*).

<sup>3</sup> *Id.*

<sup>4</sup> 47 U.S.C. § 301.

<sup>5</sup> 47 CFR §§ 15.1(b), 15.407(h)(2).

forfeiture proposed in the *Notice* on the basis of the company's financial condition.<sup>6</sup> On November 19, 2019, the Bureau responded to Boom Solutions and stated that, in order to consider a request for a reduction of the proposed forfeiture, Boom Solutions would need to provide the Bureau with evidence of its financial condition, as instructed in paragraph 22 of the *Notice*.<sup>7</sup> The Bureau gave Boom Solutions a deadline of December 3, 2019 to provide such evidence.<sup>8</sup> Boom Solutions neither timely produced the requested information nor requested an extension of time to do so. Further, the Commission has long held that remedial action taken in response to enforcement actions is not a reason to reduce a proposed forfeiture.<sup>9</sup> Accordingly, based on the record before us, we affirm the forfeiture proposed in the *Notice*.

3. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Act<sup>10</sup> and section 1.80 of the Commission's rules,<sup>11</sup> and sections 0.111, 0.204, and 0.311 of the Commission's rules,<sup>12</sup> CA Solutions, Inc. (d/b/a Boom Solutions) and Boom Net, LLC (d/b/a Boom Solutions) **ARE JOINTLY AND SEVERALLY LIABLE FOR A MONETARY FORFEITURE** in the amount of Twenty-Five Thousand Dollars (\$25,000) for willfully violating section 301 of the Act<sup>13</sup> and sections 15.1(b) and 15.407(h)(2) of the Commission's rules.<sup>14</sup>

4. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission's rules within thirty (30) calendar days after the release date of this Forfeiture Order.<sup>15</sup> If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to section 504(a) of the Act.<sup>16</sup>

5. Payment of the Civil Penalty must be made by credit card, ACH (Automated Clearing House) debit from a bank account using the Commission's Fee Filer (the Commission's online payment system),<sup>17</sup> or by wire transfer. The Commission no longer accepts Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:<sup>18</sup>

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<sup>6</sup> E-mail from Vibelka Cruz, Boom Solutions, to [field@fcc.gov](mailto:field@fcc.gov) (Sept. 27, 2019, 11:03 EDT) (on file in EB-FIELDSCR-18-00028272). A response to the *Notice* was due to the Bureau within 30 days of its release. See *Notice*, 34 FCC Rcd 7240, para. 17; 47 CFR § 1.80(f)(3).

<sup>7</sup> E-mail from Matthew L. Gibson, Senior Field Counsel, Office of the Field Director, FCC Enforcement Bureau, to Vibelka Cruz, Boom Solutions (Nov. 19, 2019, 12:50 EST) (on file in EB-FIELDSCR-18-00028272) (Bureau E-mail); see also *Notice*, 34 FCC Rcd at 7242, para. 22.

<sup>8</sup> See Bureau E-mail.

<sup>9</sup> See, e.g., *Caribbean Network Solutions, Inc., Bayamon, Puerto Rico*, Forfeiture Order, 34 FCC Rcd 10450, 10452, para 5 (EB 2019) citing *Radio X Broad. Corp. Bayamon, Puerto Rico*, Memorandum Opinion and Order, 21 FCC Rcd 12209, 12216, para. 15 (2006) (finding that "remedial actions taken to correct a violation after notice by the agency are not mitigating factors warranting the reduction of a forfeiture").

<sup>10</sup> 47 U.S.C. § 503(b).

<sup>11</sup> 47 CFR § 1.80.

<sup>12</sup> 47 CFR §§ 0.111, 0.204, 0.311.

<sup>13</sup> 47 U.S.C. § 301.

<sup>14</sup> 47 CFR §§ 15.1(b), 15.407(h)(2).

<sup>15</sup> 47 CFR § 1.80.

<sup>16</sup> 47 U.S.C. § 504(a).

<sup>17</sup> Payments made using the Commission's Fee Filer system do not require the submission of an FCC Form 159.

<sup>18</sup> For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to [RROGWireFaxes@fcc.gov](mailto:RROGWireFaxes@fcc.gov) on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).<sup>19</sup> For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission’s Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by credit card, log-in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Pay bills” on the Fee Filer Menu, and select the bill number associated with the NAL Account – the bill number is the NAL Account number with the first two digits excluded – and then choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission’s Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Pay bills” on the Fee Filer Menu and then select the bill number associated to the NAL Account – the bill number is the NAL Account number with the first two digits excluded – and choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

6. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 445 12th Street, SW, Room 1-A625, Washington, DC 20554.<sup>20</sup> Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

7. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to CA Solutions, Inc. and Boom Net, LLC at Urbanización San Alfonso, A-8 Avenida Degetau, Caguas, Puerto Rico 00726.

FEDERAL COMMUNICATIONS COMMISSION

Ronald Ramage  
Acting Field Director  
Enforcement Bureau

<sup>19</sup> Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>20</sup> See 47 CFR § 1.1914.