

Federal Communications Commission

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

In the Matter of)	
)	
AT&T California)	File No. EB-11-SF-0333
Licensee of Radio Station KMH828)	
)	NOV No. V201232960005
Oakland, California)	
)	

NOTICE OF VIOLATION

Released: December 14, 2011

By the District Director, San Francisco Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to AT&T California, licensee of radio station KMH828 in Oakland, California.

2. On December 7, 2011, in response to a complaint by the United States Coast Guard, an agent of the Enforcement Bureau's San Francisco Office monitored and inspected radio station KMH828 located at Round Top Hill, 5.3 miles east of Oakland, California, and observed the following violations:

- a. 47 C.F.R. § 80.89(a): "Stations must not engage in superfluous radio communication." AT&T's station on 156.8 MHz located at Round Top Hill, Oakland, CA was found transmitting continuously on both December 6, and December 7, 2011 for long periods of time. These transmissions were causing interference to the use of 156.8 MHz, the international radiotelephone distress, urgency, safety, call and reply frequency, by the United States Coast Guard.
- b. 47 C.F.R. § 80.90: "Transmission must be suspended immediately upon detection of a transmitter malfunction and must remain suspended until the malfunction is corrected." AT&T's station on 156.8 MHz was transmitting continuously for long periods of time making the channel unusable for distress, urgency, safety, call and reply transmissions. The agent observed no attempt by AT&T to discontinue operation prior to the inspection.
- c. 47 C.F.R. § 80.92(a): "The station operator must determine that the frequency is not in use by monitoring the frequency before transmitting." AT&T's station on 156.8 MHz was transmitting continuously for long

¹ 47 C.F.R. § 1.89.

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periods of time making the channel unusable for distress, urgency, safety, call and reply transmissions. The agent observed no attempt by AT&T to determine whether the frequency was actually in use prior to transmitting.

- d. 47 C.F.R. § 80.76(a): “Each coast station or fixed station subject to this part must have the following facilities: Except for maritime utility stations, a visual indication of antenna current; or a pilot lamp, meter or equivalent device which provides continuous visual indication whenever the transmitter control circuits have been actuated.” AT&T’s station on 156.8 MHz was transmitting continuously for long periods of time making the channel unusable for distress, urgency, safety, call and reply transmissions. The agent did not observe that AT&T had a visual indication that the transmitter was transmitting continuously.
- e. 47 C.F.R. § 80.76(b): “Each coast station or fixed station subject to this part must have the following facilities: Capability to aurally monitor all transmissions originating at dispatch points and to disconnect the dispatch points from the transmitter or to terminate the operation of the transmitter.” AT&T’s station on 156.8 MHz was transmitting continuously for long periods of time making the channel unusable for distress, urgency, safety, call and reply transmissions. The agent observed that AT&T was apparently unable to disconnect the transmitter to prevent the continuous operation.
- f. 47 C.F.R. § 80.76(c): “Each coast station or fixed station subject to this part must have the following facilities: Facilities which will permit the responsible operator to turn the carrier of the radio transmitter on and off at will.” AT&T’s station on 156.8 MHz was transmitting continuously for long periods of time making the channel unusable for distress, urgency, safety, call and reply transmissions. The agent observed no attempt to turn the carrier off prior to the inspection.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, AT&T California, must submit a written statement concerning 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 AT&T California. 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:

² 47 U.S.C. § 308(b).

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San Francisco Office
5653 Stoneridge Drive, Suite 105
Pleasanton, California, 94588-8543

4. This Notice shall be sent to AT&T California at its address of record.

5. The Privacy Act of 1974³ 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.⁴

FEDERAL COMMUNICATIONS COMMISSION

Thomas N. Van Stavern
District Director
San Francisco District Office
Western Region
Enforcement Bureau

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*