

Federal Communications Commission

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

In the Matter of)	
)	
Fisher Wireless Services Inc.)	File No. EB-FIELDWR-12-00000601
)	
Licensee of Radio Station WQEL622)	
La Crescenta, California)	NOV No. V201232900015

NOTICE OF VIOLATION

Released: March 7, 2012

By the District Director, Los Angeles 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 Fisher Wireless Services Inc., (“Fisher Wireless”) licensee of radio station WQEL622, La Crescenta, CA.

2. On February 7, 2012, in response to a radio interference complaint, an agent from the Enforcement Bureau’s Los Angeles Office monitored the frequency 461.875 MHz, and used direction finding and other investigative techniques to identify transmissions from station WQEL622, on Mt. Lukens in the Angeles National Forest near La Crescenta, CA. The agent observed the following violations:

- a. 47 C.F.R. § 90.403(c): “Except for stations that have been granted exclusive channels under this part and that are classified as commercial mobile radio service providers pursuant to part 20 of this chapter, each licensee must restrict all transmissions to the minimum practical transmission time and must employ an efficient operating procedure designed to maximize the utilization of the spectrum.” At the time of the investigation, the agent observed that WQEL622 was transmitting on 461.875 MHz for long periods with a recurring 500 millisecond pulse, every three seconds.
- b. 47 C.F.R. § 90.403(e): 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 interference.” At the time of the investigation, the agent monitored WQEL622 and observed that the recurring pulses, transmitted at three second intervals, caused interference to

¹ 47 C.F.R. § 1.89.

Federal Communications Commission

transmissions on 461.875 MHz which is a frequency shared with other licensees in the Los Angeles area. When the agent contacted the representative of Fisher Wireless, the representative advised that the interference protection mechanism does not monitor the repeater output frequency but only monitors the repeater input frequency.

- c. 47 C.F.R. § 90.425(a): “*Identification procedure.* Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation.” At the time of the investigation, the agent monitored the station and heard a Morse code signal, transmitting the call sign WQDB744, which is also a license held by Fisher Wireless, but does not authorize the use of frequency 461.875 MHz from the Mt Lukens location. When the agent contacted a representative of Fisher Wireless the representative reported that the call sign had been incorrectly programmed into the repeater on Mt. Lukens.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Fisher Wireless 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 Fisher Wireless. 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
Los Angeles District Office
18000 Studebaker Road, Suite 660
Cerritos, 90703

4. This Notice shall be sent to Fisher Wireless Services Inc. at its address of record.

² 47 U.S.C. § 308(b).

Federal Communications Commission

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

Nader Haghighat
District Director
Los Angeles 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.*