

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Prospect Heights Fire Protection District	)	File No.: EB-FIELDNER-13-00006629
Licensee of Station KSD839	)	
Prospect Heights, IL	)	NOV No.: V201332320005

**NOTICE OF VIOLATION**

**Released: February 26, 2013**

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

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Prospect Heights Fire Protection District, licensee of Private Land Mobile Station KSD839 in Prospect Heights, Illinois. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.<sup>2</sup>

2. On February 8, 2013, an agent of the Enforcement Bureau's Chicago Office inspected Station KSD839 in Prospect Heights, Illinois, and observed the following violation:

47 C.F.R. § 1.903(a): "*General rule.* Stations in the Wireless Radio Services 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 under the provisions of this part, except as specified in paragraph (b) of this section." At the time of inspection, the agent found Prospect Heights Fire Protection District transmitting from the approximate geographic location of 42°05'45"N latitude, 087°56'8"W longitude. The license for KSD839 authorizes the geographic location of 42°05'38.1"N, 087°54'52.2"W and transmitting from any other location is not permitted by Station KSD839's authorization.<sup>3</sup>

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>4</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Prospect Heights Fire Protection District, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

<sup>3</sup> We note that, if Prospect Heights Fire Department District obtains authorization from the Commission to continue to operate from its current location, it will need to obtain an updated antenna structure registration for antenna structure number 1206174, which may require a new FAA study.

<sup>4</sup> 47 U.S.C. § 308(b).

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include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>5</sup>

4. In accordance with Section 1.16 of the Rules, we direct Prospect Heights Fire Protection District to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Prospect Heights Fire Protection District with personal knowledge of the representations provided in the Prospect Heights Fire Protection District's response, verifying the truth and accuracy of the information therein,<sup>6</sup> and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>7</sup>

5. 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  
Chicago Office  
1550 North Northwest Highway, Room 306  
Park Ridge, IL 60068

6. This Notice shall be sent to Prospect Heights Fire Protection District at its address of record.

7. The Privacy Act of 1974<sup>8</sup> 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.

FEDERAL COMMUNICATIONS COMMISSION

James M. Roop  
District Director  
Chicago District Office  
Northeast Region  
Enforcement Bureau

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<sup>5</sup> 47 C.F.R. § 1.89(c).

<sup>6</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>7</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>8</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).