

Federal Communications Commission

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

In the Matter of)	
)	
Mobile Relay Associates)	File No. EB-FIELDWR-12-00005161
Licensee of Station WQQA438)	
Pasadena, California)	NOV No. V201332900013
)	
)	
)	

NOTICE OF VIOLATION

Released: March 20, 2013

By the Acting 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 (Rules),¹ to Mobile Relay Associates, licensee of radio station WQQA438 in Pasadena, California. 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(s) noted herein.²

2. On July 2, October 29, and December 11, 2012, an agent of the Enforcement Bureau’s Los Angeles Office monitored radio station WQQA438 located in Pasadena, California and 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 WQQA438 was transmitting on 151.6475 MHz nearly continuously.
- b. 47 C.F.R. § 90.403(e) “Licenses shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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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, agents monitored WQQA438 and observed a digitally modulated continuous signal on 151.6475 MHz. These continuous transmissions from WQQA438 on 151.6475 MHz with a bandwidth of 11.2 kHz interfered with communications of adjacent channel licensees centered on 151.655 MHz. The agent observed no evidence of monitoring the transmitting frequency for communications in process or other measures to avoid interference by WQQA438.

3. On January 16, 2013, an agent of the Los Angeles Office inspected radio station WQQA438 located on Mt. Wilson, Pasadena, California and observed the following violation:

- a. 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.” The WQQA438 license authorizes trunked operations in the Industrial Radio Service. At the time of the inspection the station was not using trunking technology and all communications between the base station on 151.6475 MHz and mobile units on 159.9075 MHz were on a single channel pair.

4. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Mobile Relay Associates 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 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.⁴

5. In accordance with Section 1.16 of the Rules, we direct Mobile Relay Associates to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Mobile Relay Associates, with personal knowledge of the representations provided in Mobile Relay Associates’ response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ 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

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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.⁶

6. 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 Office
18000 Studebaker Rd., #660
Cerritos, CA 90703

7. This Notice shall be sent to Mobile Relay Associates, at its address of record.

8. The Privacy Act of 1974⁷ 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

Margaret M. Egler
Acting District Director
Los Angeles Office
Western Region
Enforcement Bureau

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)'.⁷ 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).