

Federal Communications Commission

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

In the Matter of)	
)	
Ondas De Vida, Inc.)	
Licensee of Station K212GC)	File No.: EB-FIELDWR-13-00008609
)	
Pomona, California)	NOV No.: V201332900026
)	
)	
)	

NOTICE OF VIOLATION

Released: May 23, 2013

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 (Rules)¹ to Ondas De Vida, Inc., licensee of FM translator station K212GC in Pomona, 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 April 26, 2013, in response to a licensee complaint of interference on 91.9 MHz, an agent of the Enforcement Bureau’s Los Angeles office located via direction finding techniques the mountain top site that was the origination point of the interfering signal. The agent made contact with Ondas De Vida, Inc. to schedule access to the site in order to conduct an inspection and in the interim Ondas De Vida, Inc. reduced power to station K212GC which eliminated the interference. On April 29, 2013, the K212GC station engineer advised the Los Angeles agent that the interference was caused by the removal of station K212GC’s RF bandpass filter which was sent to a service company for maintenance/repair.

- a. 47 C.F.R. § 74.1203(a)(1): “An authorized FM translator or booster station will not be permitted to continue to operate if it causes any actual interference to: (1) the transmission of any authorized broadcast station.” At the time of the investigation, translator station K212GC on 90.3 MHz was causing actual interference to licensed full-service station KVCR(FM) on 91.9 MHz.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

3. 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, Ondas De Vida, Inc. 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). Furthermore, we request a statement as to how K212GC demonstrated compliance with Section 74.1236 of the Rules, emission and bandwidth, when it continued to operate without a RF bandpass filter within its transmission system. The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Ondas De Vida, Inc. to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Ondas De Vida, Inc. with personal knowledge of the representations provided in Ondas De Vida, Inc.'s 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 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

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
Los Angeles District Office
18000 Studebaker Road., #660
Cerritos, California 90703

6. This Notice shall be sent to Ondas De Vida, Inc. at its address of record.

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 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.

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

Federal Communications Commission

7. 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

Charles A. Cooper
District Director
Los Angeles District Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).