

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Anchorage School District	)	File No.: EB-FIELDWR-16-00021672
Licensee of WQAE813	)	
	)	NOV No.: V201632780002
Anchorage, Alaska	)	

**NOTICE OF VIOLATION**

**Released: May 26, 2016**

By the Resident Agent, Anchorage Resident Agent 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)<sup>1</sup> to Anchorage School District (ASD), licensee of industrial/business pool license WQAE813 in Anchorage, Alaska. 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. In response to a complaint, agents of the FCC's Enforcement Bureau, Anchorage Office monitored five (5) frequencies of four (4) of the six (6) licenses assigned to ASD, on May 9, 10, 11, and 19, 2016.<sup>3</sup> ASD license WQAE813 lists both WQAB658 and WQKK533 as "associate call signs" having interrelated frequencies and all having voice communications during the times monitored, which was most typically in the afternoon 1300 – 1600 hours local.<sup>4</sup> Therefore citing the following violation:

- a. 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. The call sign shall be transmitted by voice in the English language or by International Morse Code in accordance with paragraph (b) of this section. If the station is employing either analog or digital voice scrambling, or non-voice emission, transmission of the required identification shall be in the unscrambled mode using A3E, F3E or G3E emission, or International Morse, with all encoding disabled." ASD failed to transmit any

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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> WQAB658, WQAE813, WQKK533, (frequencies 451.4000 MHz, 451.9875 MHz, 452.3375 MHz and 462.1750 MHz) and WQBF769 (frequency 451.8250 MHz). ASD is also assigned call signs WQGS668 and WQWP927, both of which authorize frequencies and emissions that appear to have a non-voice specialized purposes and are not a part of this investigation.

<sup>4</sup> We note that communications on 451.8250 MHz, WQBF769, consisted only of data type transmissions during the times monitored, though no call sign was noted.

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assigned call sign on any assigned frequency monitored. Dates and times monitored, all local: May 9, 1400 – 1605; May 10, 1400 – 1530; May 11, 1315 – 1510; May 19, 1310 – 1500.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>5</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Anchorage School 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, above, 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, (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.<sup>6</sup>

4. In accordance with Section 1.16 of the Rules, we direct Anchorage School 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 the Anchorage School District, with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein,<sup>7</sup> and confirming that all of the information requested by this Notice which is in the permittee'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>8</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  
Anchorage Resident Agent Office  
PO Box 231949  
Anchorage, AK 99523-1949

6. This Notice shall be sent to Anchorage School District, at its address of record.<sup>9</sup>

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<sup>5</sup> 47 U.S.C. § 308(b).

<sup>6</sup> 47 C.F.R. § 1.89(c).

<sup>7</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>8</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>9</sup> Note that the address of record for the ASD licenses WQAE813 and WQAB658 is different from WQKK533 based on records in the Commission's ULS database. The WQAE813 address will be used for this Notice.

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7. The Privacy Act of 1974<sup>10</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

David J. Charlton  
Resident Agent  
Anchorage Resident Agent Office  
Western Region  
Enforcement Bureau

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<sup>10</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).