

Federal Communications Commission

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

In the Matter of)	
)	
Spectrum Networks Group, LLC)	File No.: EB-FIELDSCR-17-00023919
)	
Licensee of Station WQYD321)	NOV No.: V201732600001
)	
Miami, Florida)	

NOTICE OF VIOLATION

Released: April 20, 2017

By the Regional Director, Region Two, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)¹ to Spectrum Networks Group, LLC (SNG), licensee of radio station WQYD321 in Miami, Florida. 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.²

2. On March 22 and March 24, 2017, in response to a complaint of interference to licensed public safety communications in the Miami area, agents of the Enforcement Bureau’s Miami Office monitored transmissions from radio station WQYD321 and observed violations of the following rules:

- a. 47 CFR § 1.903(a): “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” Furthermore, 47 CFR § 1.903(b) states: “The holding of an authorization does not create any rights beyond the terms, conditions and period specified in the authorization” SNG is authorized under its license, WQYD321, to operate a fixed base station only on frequency 854.4375 MHz from antenna structure number 1027529, at coordinates 25° 58’ 16” N latitude and 80° 12’ 31” W longitude, with an antenna height of 259.1 meters, and is authorized to operate associated mobile units on frequency 809.4375 MHz. The agents observed signal transmissions which drifted from 810.25 MHz down to 809.45 MHz, and used mobile direction finding techniques to determine that the source of the signal was emanating from SNG’s base station located at antenna structure 1027529. Agents did not observe a signal on 854.4375 MHz. SNG personnel stated to an agent: (1) that its base station was

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

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first installed and powered up on March 20, 2017; (2) that apparently its base station transmitter was improperly set up to transmit on the mobile frequency instead of the base frequency; and (3) that an additional malfunction caused it to transmit the drifting signal on 810.25 MHz. Therefore, SNG apparently failed to operate its station WQYD321 according to the terms of its authorization. When SNG turned off its base station transmitter, the interfering signal ceased.

- b. 47 CFR § 90.403(e): “Licensees shall take reasonable precautions to avoid causing harmful interference . . .” Agents determined that SNG’s transmissions on 810.25 MHz were causing harmful interference to licensed public safety communications. Based on SNG’s statements regarding its recent transmitter installation, SNG apparently failed to take reasonable precautions to avoid causing harmful interference.
- c. 47 CFR § 90.433(c): “The station licensee shall be responsible for the proper operation of the station at all times and is expected to provide observations, servicing and maintenance as often as may be necessary to ensure proper operation . . .” SNG apparently failed to ensure proper operation of its station since its base station transmitter was improperly set up to transmit on its mobile transmit frequency, and an additional malfunction caused it to transmit the drifting signal on 810.25 MHz which interfered with public safety communications.

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, SNG 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

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

³ 47 U.S.C. § 308(b).

⁴ 47 CFR § 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 CFR § 1.16.

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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
Miami Office
P.O. Box 266468
Weston, FL 33326

6. This Notice shall be sent to Spectrum Networks Group, LLC, at its address of record.

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

Ronald Ramage
Director, Region Two
Enforcement Bureau
Federal Communications Commission

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

⁷ See 5 U.S.C. § 552a(e)(3).