

Federal Communications Commission

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

In the Matter of)	
)	
Anderson Communications Inc.)	
)	
Licensee of Radio Station WPRY213)	
Honolulu, Hawaii)	File No. EB-FIELDWR-17-00023803
)	
)	

NOTICE OF VIOLATION

Released: May 16, 2017

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s Rules,¹ to Anderson Communications Inc. (Anderson), licensee of radio station WPRY213 in Honolulu, Hawaii. 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 March 16, 2017, in response to a complaint of interference, an agent of the Enforcement Bureau’s Honolulu Office observed radio station WPRY213 operating on 451.93125 MHz located at 4696 Maunalani Circle, Honolulu, HI, and observed violations of the following rules:

- a. 47 CFR § 90.35(c)(33): “This frequency will be assigned with an authorized bandwidth not to exceed 6 kHz.” The measured occupied bandwidth of the WPRY213 data signal on 451.93125 MHz exceeded 10 kHz, causing interference to a licensee on an adjacent frequency of 451.925 MHz.
- b. 47 CFR § 90.209(a): “Each authorization issued to a station licensed under this part will show an emission designator representing the class of emission authorized. The designator will be prefixed by a specified necessary bandwidth. This number does not necessarily indicate the bandwidth occupied by the emission at any instant.” The emission designator

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

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authorized for WPRY213 is “4K00F1E” and “6K00F3E”. The measured occupied bandwidth of the WPRY213 data signal exceeded 10 kHz.

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, Anderson 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 Anderson to support their response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Anderson, 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
Region Three Los Angeles Office
18000 Studebaker Road, Suite 660
Cerritos, CA 90703

6. This Notice shall be sent to Anderson at their address of record.

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 C.F.R. § 1.16.

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

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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

Lark Hadley
Regional Director
Region Three
Enforcement Bureau

⁷ See 5 U.S.C. § 552a(e)(3).