

**Federal Communications Commission**

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

In the Matter of )  
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Utility Mapping Services Inc. )  
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Licensee of Radio Station WQFS506 )  
Honolulu, Hawaii ) File No. EB-FIELDWR-17-00023651  
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**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,<sup>1</sup> to Utility Mapping Services Inc. (UMSI), licensee of radio station WQFS506 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.<sup>2</sup>

2. On February 23, 2017, in response to a complaint of interference, an agent of the Enforcement Bureau’s Honolulu Office located radio station WQFS506 located in the Kalihi area of Honolulu, HI, and observed violations of the following rules:

- a. 47 CFR § 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 ....” The WQFS506 station license which authorized UMSI to operate on 461.075 MHz, expired on September 21, 2016. Investigation on February 23, 2017 determined that UMSI was continuing to operate a Trimble R8-Model 2 radio modem on 461.075 MHz located along the Kapalama Canal, across from the City Square Shopping Center parking lot in the Kalihi area in Honolulu, HI.

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

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- b. 47 CFR § 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 WQFS506 was operating a station which transmitted continuously on 461.075 MHz in Honolulu, HI, and with Station Class “FBT” which does not authorize exclusive use of the channel.
- c. 47 CFR § 90.403(e): “Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting 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, the agent observed that WQFS506 was operating a station which transmitted continuously on 461.075 MHz, providing no opportunities for other users to share this frequency and causing harmful interference with another licensee in the Honolulu, HI area.
- d. 47 CFR § 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.” At the time of the investigation, the agent monitored the WQFS506 for several hours and at no time was the call sign identification heard.

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

4. In accordance with Section 1.16 of the Rules, we direct UMSI to support their response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by UMSI, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 CFR § 1.89(c).

<sup>5</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

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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.<sup>6</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  
Region Three Los Angeles Office  
18000 Studebaker Road, Suite 660  
Cerritos, CA 90703

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

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

Lark Hadley  
Regional Director  
Region Three  
Enforcement Bureau

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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)'.<sup>7</sup> 47 CFR § 1.16.

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

<sup>7</sup> See 5 U.S.C. § 552a(e)(3).