

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

In the Matter of	)	
	)	
State of Hawaii	)	File No. EB-FIELDWR-17-00025142
Licensee KR5623	)	
Honolulu, Hawaii	)	
	)	

**NOTICE OF VIOLATION**

**Released:** November 17, 2017

By the Los Angeles Regional Office, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Federal Communications Commission's (Commission's or FCC's) rules (Rules),<sup>1</sup> to State of Hawaii, licensee of an aeronautical utility mobile unit operating under the radio station authorization KR5623 in Honolulu, Hawaii. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the FCC's Enforcement Bureau (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 August 31, 2017, in response to a complaint from the Honolulu International Airport FAA SOC, an Agent from the Bureau's Honolulu Office identified a mobile radio unit inside a State of Hawaii street sweeper with Hawaii state license plate G421 transmitting on 121.9 MHz located on the tarmac area at the Honolulu International Airport, and observed the following violation:

- a. 47 C.F.R. § 87.345(b): "At an airport which has a control tower, control tower remote communications outlet station (RCO) or FAA flight service station in operation, communications by an aeronautical utility mobile station are limited to the management of ground vehicular traffic." At the time of the investigation, the agent observed that a street sweeper was operating a station which transmitted continuously on 121.9 MHz, causing harmful interference to the FAA SOC tower and other users in the Honolulu International Airport area.

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, State of Hawaii 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

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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> 47 U.S.C. § 308(b).

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 State of Hawaii to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of State of Hawaii, with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein,<sup>5</sup> 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.<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  
Los Angeles Regional Office  
18000 Studebaker Rd., #660  
Cerritos, CA 90703

6. This Notice shall be sent to State of Hawaii at its 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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<sup>4</sup> 47 C.F.R. § 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 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>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).