

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

In the Matter of)			
)			
New Jersey Natural Gas Company)	File	No.	EB-FIELDNER-18-
00026278)			
Licensee of Station WQOS285)			
)			
)			
Wall, New Jersey)			

NOTICE OF VIOLATION

Released: September 19, 2018

By the Regional Director, Region One, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to New Jersey Natural Gas Company (Natural Gas), licensee of Private Land Mobile Station WQOS285 operating at various location in New Jersey including Rockaway, New Jersey. Pursuant to Section 1.89(a) of the Rules, issuance of this NOV 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 February 21 and 28, 2018, and June 20, 2018, in response to a complaint of harmful interference, an Agent of the Enforcement Bureau's New York Office investigated and found the following violations:

- a. 47 C.F.R. § 90.425(a): "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)

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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.” On February 21 and 28, 2018 and June 20, 2018, the agent monitored the frequency 159.5925 MHz and observed that Station WQOS285 did not transmit the assigned call sign.

- b. 47 C.F.R. § 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, except as specified in paragraph (b) of this section.” At the time of inspection, Natural Gas was transmitting data on the frequency 159.5925 MHz using a Motorola MOTOTRBO transmitter. The license for station WQOS285 only authorizes voice (FXE) on the frequency 159.5925 MHz.³

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, New Jersey Natural Gas Company 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.⁵

4. In accordance with Section 1.16 of the Rules, we direct New Jersey Natural Gas Company to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of New Jersey Natural Gas Company with personal knowledge of the representations provided in New Jersey Natural Gas Company’s response, verifying the truth and

³ Emission designators ending in “E” only authorized voice communications. Emission designators ending in “D” authorize data communications. See 47 CFR §§2.201, 90.207. The authorization for WQOS285 only contains emission designators ending in “E,” and therefore does not permit data communications.

⁴ 47 U.S.C. § 308(b).

⁵ 47 C.F.R. § 1.89(c).

accuracy of the information therein,⁶ 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.⁷

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and mailed to the following address:

Federal Communications Commission
Columbia Regional Office
P.O. Box 130
Columbia, Maryland 20145

6. This Notice shall be sent to New Jersey Natural Gas Company at its address of record.

7. The Privacy Act of 1974⁸ 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.

COMMISSION

FEDERAL COMMUNICATIONS

David C. Dombrowski
Regional Director
Region One
Enforcement Bureau
Federal Communications Commission

⁶ 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.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).