

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

In the Matter of	)	
	)	
Brevard Wireless	)	File No.: EB-FIELDSCR-19-00028404
Licensee of Station WQMJ660	)	
	)	
	)	
Melbourne, FL	)	FRN: 0016346991
	)	

**NOTICE OF VIOLATION**

**Released: March 11, 2019**

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)<sup>1</sup> to Brevard Wireless (Brevard), licensee of FCC radio station WQMJ660, Melbourne, Florida. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Federal Communications Commission's (Commission'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 February 7, 2019, Agents of the Bureau's Miami Office investigated a complaint of radio frequency interference to a licensed Fixed Satellite Service (FSS) Earth Station (operating pursuant to Part 25 of the Commission's Rules) in Jacksonville, Florida, affecting reception of satellite downlink transmissions in the 3700-4200 MHz band. The Miami Office Agents determined that the source of the interference was a constant radio transmission on 3723-3732 MHz emanating from Brevard's wireless access point located on FCC Antenna Structure Registration (ASR) No. 1016457, in Jacksonville, Florida. The Agents observed the following violations:

- 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, except as specified in paragraph (b) of this section." Brevard's license authorizes it to register individual fixed and base stations for wireless operations only in the 3650-3700 MHz band under Part 90, Subpart Z of the Commission's Rules. On February 7, 2019, Agents observed Brevard's transmissions on 3723-3732 MHz and 3650-3690 MHz from ASR No.

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

1016457. Minutes after an Agent contacted Brevard by telephone regarding the interference caused by their operations on the tower, the transmission on 3723-3732 MHz ceased, as did the interference. Brevard had no authority to transmit on 3723-3732 MHz, and their unauthorized transmissions resulted in interference to a licensed FSS earth station's reception of satellite downlink transmissions in the 3700-4200 MHz band.

- b. 47 CFR § 90.1307(a): "The 3650-3700 MHz band is licensed on the basis of non-exclusive nationwide licenses. Non-exclusive nationwide licenses will serve as a prerequisite for registering individual fixed and base stations. A licensee cannot operate a fixed or base station before registering it under its license and licensees must delete registrations for unused fixed and base stations." On February 7, 2019, Agents observed transmissions emanating from Brevard's equipment located at two separate locations: (1) ASR No. 1016457, operating on frequencies 3650-3690 MHz and 3723-3732 MHz; and (2) ASR No. 1032488, St. Augustine, Florida, operating on frequencies 3650-3690 MHz. Brevard holds a nationwide license, WQMJ660, that provides for operation in the 3650-3700 MHz band. A search of FCC databases showed that, as of February 7, 2019, Brevard had not registered either of those site with the Commission pursuant to the rules.

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, Brevard 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 Brevard to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Brevard with personal knowledge of the representations provided in Brevard's 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

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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 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.

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. specified above, and mailed to the following address:

Federal Communications Commission  
Atlanta Regional Office  
P.O. Box 1493  
Powder Springs, GA 30127  
Email: [FIELD@FCC.GOV](mailto:FIELD@FCC.GOV)

6. This Notice shall be sent to Brevard Wireless 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

Ronald Ramage  
Regional Director, Region Two  
Enforcement Bureau

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<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).