

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

In the Matter of)	
)	
Etheric Networks, Inc.)	File No.: EB-FIELDWR-19-00028494
Licensee of Station WQLU772)	
)	
FRN: 0013358395)	
)	
Redwood City, CA)	
)	

NOTICE OF VIOLATION

Released: April 16, 2019

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 (Rules)¹ to Etheric Wireless, Inc. (Etheric), licensee of radio station WQLU772, Redwood City, California. 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.²

2. On February 27, 2019, an Agent of the Bureau’s San Francisco Office investigated a complaint of radio frequency interference to the reception of satellite downlink transmissions in the 3700-4200 MHz band. The Agent determined that the source of the interference was a constant radio transmission within the band 3704.5–3709.3 MHz band, emanating from Etheric’s wireless access point located on the building roof top at 1250 Jones Street, the Clay-Jones Building, in San Francisco, California. The Agent observed the following violations:

- a. 47 C.F.R. § 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.” Etheric’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 27, 2019, the Agent observed Etheric’s transmissions in the 3704.5-3709.3 MHz band from the rooftop at 1250 Jones St., San Francisco. After contacting the site manager for the

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

Clay-Jones Building, both the transmissions in the 3704.5-3709.3 MHz band and the interference ceased. Etheric has no authority to transmit on 3704.5 - 3709.3 MHz.

- b. 47 C.F.R. § 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 27, 2019, Agents observed transmissions emanating from Etheric’s equipment located at 1250 Jones St., the Clay-Jones Building, in San Francisco, California and operating on frequencies in the 3704.5-3709.3 MHz band. Etheric holds a nationwide license, WQLU772, that provides for operation in the 3650-3700 MHz band. A search of FCC databases showed that Etheric had not registered this site with the Commission pursuant to the rules.

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

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 CFR § 1.16.

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

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
Los Angeles Regional Office
11331 183rd St., PMB #365
Cerritos, CA 90703
Email: FIELD@FCC.GOV

6. This Notice shall be sent to Etheric Wireless, Inc, Attn: Alexander Hagen, P.O. Box 2266, Redwood City, CA 94064.

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).