

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

In the Matter of)	
)	
Data Stream Mobile Technologies, Inc)	File No.: EB-FIELDNER-19-00029901
Licensee of Station WQLJ362)	
)	
)	
Fort Lauderdale, Florida)	FRN: 0019394337
)	

NOTICE OF VIOLATION

Released: February 12, 2020

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 Data Stream Mobile Technologies, Inc. (Data Stream), licensee of radio station WQLJ362, Fort Lauderdale, 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 violations noted herein.²

2. On November 13, 2019, Agents of the Bureau's Columbia Office investigated a complaint of unauthorized operations in the 3650-3700 MHz band from an antenna structure located at 5348 Casanova Road, Warrenton, Virginia 20187 (Antenna Structure). 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." Data Stream's license authorizes it to register individual fixed and base stations for wireless operations in the 3650-3700 MHz band under part 90, Subpart Z of the Commission's Rules. On November 13, 2019, Agents observed transmissions emanating from Data Stream's equipment located at 5348 Casanova Road, Warrenton, Virginia 20187 and operating in the 3650-3700 MHz band. At the time of the inspection, Data Stream had not registered this location with the Commission and had no authority to operate radio transmitting equipment in the 3650-3700 MHz band at this location.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

- 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.” Data Stream’s license authorizes it to register individual fixed and base stations for wireless operations in the 3650-3700 MHz band under part 90, Subpart Z of the Commission’s Rules. On November 13, 2019, Agents observed transmissions emanating from Data Stream’s equipment located at 5348 Casanova Road, Warrenton, Virginia 20187 and operating in the 3650-3700 band. A search of FCC databases showed that Data Stream had not registered this site with the Commission pursuant to the rules.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, Data Stream 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 Data Stream to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Data Stream with personal knowledge of the representations provided in Data Stream’s response, verifying the truth and 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

³ On September 19, 2019, Agents from the FCC Columbia Office issued Data Stream a verbal warning regarding unauthorized operation in 3.65 GHz band at 5348 Casanova Road, Warrenton, Virginia 20187.

⁴ 47 U.S.C. § 308(b).

⁵ 47 CFR § 1.89(c).

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 CFR § 1.16.

⁷ 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
EB Columbia Regional Office
9050 Junction Drive
Annapolis, Maryland 20701

6. This Notice shall be sent to Data Stream Mobile Technologies, Inc, Attn: Sean Lee, P.O. Box 1535, South Perimeter Rd Hanger 36B, Fort Lauderdale, FL 33309.

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.

FEDERAL COMMUNICATIONS COMMISSION

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

⁸ See 5 U.S.C. § 552a(e)(3).