

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Oakmont of Concord LLC	)	File No.: EB-FIELDWR-20-00031551
Licensee of Station WQYK706	)	
	)	
Concord, California	)	FRN: 0025824657
	)	
	)	
	)	
	)	

**NOTICE OF VIOLATION**

**Released: February 19, 2021**

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<sup>1</sup> to Oakmont of Concord LLC (Oakmont), licensee of radio station WQYK706 in Concord, California. Pursuant to section 1.89(a) of the Commission’s rules, issuance of this Notice 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.<sup>2</sup>

2. On October 23, 2020, an agent of the Enforcement Bureau’s San Francisco Office investigated an interference complaint in Concord, California, and observed the following violation(s):

- a. 47 CFR § 90.219(b)(1)(i): “Non-licensees seeking to operate signal boosters must obtain the express consent of the licensee(s) of the frequencies for which the device or system is intended to amplify. The consent must be maintained in a recordable format that can be presented to an FCC representative or other relevant licensee investigating interference.” Oakmont did not provide evidence that it had obtained express consent from the East Bay Regional Communications Systems Authority (EBRCSA) to amplify EBRCSA’s licensed 800 MHz signals.
- b. 47 CFR § 90.219(c). “Licensee responsibility; interference. PLMRS licensees that operate signal boosters are responsible for their proper operation, and are responsible for correcting any harmful interference that signal booster operation may cause to other licensed communications services.” On October 23, 2020, FCC Agents investigated interference to EBRCSA’s licensed frequencies and confirmed by direction finding techniques that radio emissions in the 800 MHz band were emanating from a bi-directional amplifier (BDA) operating from Oakmont’s address. The transmissions were interfering with EBRCSA’s licensed communication system. The interference ceased when Oakmont’s BDA equipment was unplugged on October 30, 2020.

3. Pursuant to section 308(b) of the Communications Act of 1934, as amended (Act), and section 1.89 of the Commission’s rules, we seek additional information concerning the violations and any

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

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remedial actions taken.<sup>3</sup> Therefore, Oakmont 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 Commission's rules, we direct Oakmont to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Oakmont with personal knowledge of the representations provided in Oakmont's response, verifying the truth and accuracy of the information therein, and confirming that all of the information requested by this Notice which is in the Oakmont's possession, custody, control, or knowledge has been produced.<sup>5</sup> 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 Number, specified above, and mailed and emailed to the following address:

Federal Communications Commission  
Los Angeles Regional Office  
11331 183rd Street, PMB # 365  
Cerritos, CA 90703  
field@fcc.gov

6. This Notice shall be sent to Oakmont of Concord LLC, at 1401 Civic Court, Concord, California 94520.

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>3</sup> 47 U.S.C. § 308(b); 47 CFR § 1.89.

<sup>4</sup> 47 CFR § 1.89(c).

<sup>5</sup> Section 1.16 of the Commission's 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.

<sup>6</sup> 18 U.S.C. §§ 1001, *et seq.*; *see also* 47 CFR § 1.17.

<sup>7</sup> 5 U.S.C. § 552a(e)(3).