

Federal Communications Commission

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

In the Matter of
Viega LLC
Licensee of Station WQYF702
Broomfield, Colorado
File No.: EB-FIELDWR-20-00031282
FRN: 0025868407

NOTICE OF VIOLATION

Released: May 13, 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 to Viega LLC (Viega), licensee of radio station WQYF702 in Wichita, Kansas. 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 noted herein.

2. On October 5, 2020, agents of the Enforcement Bureau's Denver Office investigated an interference complaint in Broomfield, Colorado, and observed the following violation:

- a. 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 the signal booster operation may cause to other licensed communications services." On October 5, 2020, FCC Agents investigated interference to ADCOM911, Inc.'s (ADCOM911) licensed frequencies and by direction finding techniques, located radio emissions in the 800 MHz band emanating from a bi-directional amplifier (BDA) operating from Viega's office complex. An on/off test of Viega's BDA equipment confirmed that its transmissions were interfering with ADCOM911's licensed communication system. The interference ceased when Viega's BDA equipment was unplugged on October 6, 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 remedial actions taken. Therefore, Viega 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

1 47 CFR § 1.89.

2 47 CFR § 1.89(a).

3 47 U.S.C. § 308(b); 47 CFR § 1.89.

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

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

6. This Notice shall be sent to Viega LLC at 585 Interlocken Blvd., Broomfield, Colorado 80021.

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>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).