

Federal Communications Commission

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

In the Matter of)
)
City of Coconut Creek) File No.: EB-FIELDSCR-22-00033191
Licensee of Station KNFW239 and WQGW272)
)
Coconut Creek, Florida)
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NOTICE OF VIOLATION

Released: February 16, 2022

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 rules¹ to the City of Coconut Creek, licensee of radio station KNFW239 and WQGW272 (collectively, the Stations) in Coconut Creek, Florida. 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.²

2. On January 18, 2022, Agents of the Enforcement Bureau’s Miami Office inspected a radio station operated by the City of Coconut Creek, a public safety eligible entity, and observed the following violations:

- a. 47 CFR § 1.903(a) “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.” At the time of inspection, Agents found the City of Coconut Creek operating an unauthorized base station on frequency 852.0125 MHz, a mutual aid channel. Accordingly, the City of Coconut Creek exceeded the authority granted in the Stations’ licenses and violated section 1.903(a) of the Commission’s rules.
- b. 47 CFR § 90.20(i) “The nationwide 47 CFR § 90.20(i) “The nationwide interoperability and mutual aid channels are listed for the 800 MHz band. Any Part 90 public safety eligible entity holding a Part 90 license may operate hand-held and vehicular mobile units on these channels without needing a separate authorization. Base stations or control stations operating on these channels must be licensed separately.” The table in section 90.20(i) lists 852.0125 MHz as a mutual aid channel. At the time of inspection, the City of Coconut Creek was operating a base station on 852.0125 MHz. Base stations operating on 852.0125 MHz require a separate license. The City of Coconut Creek does not have a license to operate a base station on 852.0125 MHz; therefore, the City of Coconut Creek violated section 90.20(i) of the Commission’s rules.

¹ 47 CFR § 1.89.

² 47 CFR § 1.89(a).

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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.³ Therefore, the City of Coconut Creek 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 Commission's rules, we direct the City of Coconut Creek to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the City of Coconut Creek with personal knowledge of the representations provided in the City of Coconut Creek'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 licensee's possession, custody, control, or knowledge has been produced.⁵ 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

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
Region Two Regional Office
P.O. Box 1493
Powder Springs, GA 30127

6. This Notice shall be sent to the City of Coconut Creek at its address of record.

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

³ 47 U.S.C. § 308(b); 47 CFR § 1.89.

⁴ 47 CFR § 1.89(c).

⁵ 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.

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

⁷ 5 U.S.C. § 552a(e)(3).

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what, if any, enforcement action is required to ensure compliance.

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Dedrick Roybiskie
Regional Director, Region Two
Enforcement Bureau