

Federal Communications Commission

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

In the Matter of)	
)	
San Jose Water Company)	File No.: EB-FIELDWR-22-00033291
Licensee of Station WNTJ230)	
)	FRN: 0001551324
San Jose, California)	
)	

NOTICE OF VIOLATION

Released: April 20, 2022

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 rules¹ to San Jose Water Company (SJ Water), licensee of radio station WNTJ230 in San Jose, 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 noted herein.²

2. On February 10, 2022, an agent of the Enforcement Bureau’s San Francisco Office investigated an interference complaint in San Jose, California, and observed the following violation associated with SJ Water’s operation of an unlicensed radio frequency device:

- a. 47 CFR §15.5(c). “The operator of a radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected.” On February 10, 2022, the agent investigated interference to T-Mobile USA, Inc.’s (T-Mobile) licensed frequencies and observed radio emissions in the 700 MHz band at a SJ Water storage facility that T-Mobile had identified as causing interference. On February 15, 2022, the agent contacted SJ Water and learned that SJ Water was operating a Supervisory Control and Data Acquisition (SCADA) system using a SCADALink 900MB wireless communications controller . After the agent made several follow-up inquiries, on March 2, 2022, SJ Water confirmed that it had replaced the SCADALink 900MB with a new radio. Thereafter, T-Mobile confirmed that the interference ceased. SJ Water violated section 15.5(c) of the Commission’s rules by failing to immediately cease operating the SCADALink 900MB after the Commission notified it that the device was causing harmful interference to T-Mobile’s licensed operations.

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, SJ Water 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,

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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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 SJ Water to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of SJ Water with personal knowledge of the representations provided in SJ Water'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 SJ Water'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
Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, CA 90703
field@fcc.gov

6. This Notice shall be sent to San Jose Water Company at 1221 S. Bascom Avenue, San Jose, CA 95128.

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

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).