

**Federal Communications Commission**

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**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 WRLS932	)	FRN: 0019394337
	)	
Fort Lauderdale, Florida	)	
	)	
	)	
	)	

**NOTICE OF VIOLATION**

**Released: September 15, 2022**

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<sup>1</sup> to Data Stream Mobile Technologies Inc. (Data Stream), licensee of 3.5 GHz Band Priority Access station WRLS932 in the Fauquier, Virginia market. 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.<sup>2</sup>

2. On May 4, 2022, agents of the Enforcement Bureau’s Columbia Office inspected the Citizens Broadband Radio Service Devices (CBSD) that Data Stream was operating under station license WRLS932 at 5348 Casanova Road, Warrenton, Virginia 20187 and 31 N. Fourth Street Warrenton, Virginia 21086 and observed the following violation:

- a) 47 CFR § 96.39(c): “Registration with SAS. A CBSD must register with and be authorized by an SAS prior to its initial service transmission. The CBSD must provide the SAS upon its registration with its geographic location, antenna height above ground level (in meters), CBSD class (Category A/Category B), requested authorization status (Priority Access or General Authorized Access), FCC identification number, call sign, user contact information, air interface technology, unique manufacturer's serial number, sensing capabilities (if supported), and additional information on its deployment profile required by §§ 96.43 and 96.45. If any of this information changes, the CBSD shall update the SAS within 60 seconds of such change, except as otherwise set forth in this section. All information provided by the CBSD to the SAS must be true, complete, correct, and made in good faith.” At time of inspections, Data Stream was actively operating a CBSD with 20 MHz channels in the 3.5 GHz Citizens Broadband Radio Service (CBRS) band at the Casanova Road site without a valid registration or grant authorizing operation on any assigned frequencies from a Spectrum Access System (SAS). Data Stream was also actively operating a CBSD in the 3.5 GHz CBRS at the N. Fourth Street site without a grant authorizing operation on any assigned frequencies from a SAS.

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 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.<sup>3</sup> 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 timeline 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 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, 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.<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  
Columbia Regional Office  
7435 Oakland Mills Road  
Columbia, Maryland 21046

6. This Notice shall be sent to Data Stream Mobile Technologies Inc. at its address of record.

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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.

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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

David C. Dombrowski  
Regional Director, Region One  
Enforcement Bureau

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<sup>7</sup> 5 U.S.C. § 552a(e)(3).