

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Wireless Advanced Communications	)	File No.: EB-FIELDWR-14-00015558
	)	
Licensee of Station WQAZ441	)	NOV No. V201432800036
Fort Collins, Colorado	)	
	)	

**NOTICE OF VIOLATION**

**Released:** May 9, 2014

By the District Director, Denver Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission’s rules (Rules)<sup>1</sup> to Wireless Advanced Communications (WAC), licensee of radio station WQAZ441 in Fort Collins, Colorado. Pursuant to Section 1.89(a) of the 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 violations noted herein.<sup>2</sup>

2. On March 26, 2014, agents of the Enforcement Bureau’s Denver Office investigated a complaint from Littleton Public Schools (LPS), Littleton, Colorado, licensee of station KD31016, concerning interference on frequency 463.2875 MHz. The Denver agents, using direction finding techniques, located the interfering transmissions to a telecommunications site located atop Horsetooth Mountain, west of Fort Collins, Colorado, and observed the following violations:

- a. 47 C.F.R. § 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 under the provisions of the part.” At the time of the investigation, the agents confirmed that the digital signal emanating from the Horsetooth Mountain site was from a repeater owned and operated by WAC. According to the license for station WQAZ441, WAC is authorized to operate from Horsetooth Mountain with analog emissions under the designator 11K2F3E. The agents verified that WQAZ441 was transmitting an unauthorized digital emission.

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

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- b. 47 C.F.R. § 90.403(e) "Licensees shall take reasonable precautions to avoid causing harmful interference." WAC is authorized to operate station WQAZ441 on Horsetooth Mountain at a location of 40° 32' 45.9" north latitude and 105° 11' 53.9" west longitude, with mobile units operating within a 32 kilometer radius around those coordinates. LPS is authorized to operate station KD31016 within an eight kilometer radius around the coordinates of 39° 36' 33.0" north latitude and 104° 59' 26.9" west longitude. At the time of the investigation, WAC was causing interference to LPS's co-channel operations on 463.2875 MHz over 105 kilometers from WAC's authorized location.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, WAC 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). WAC must also present its plan to ensure that the harmful interference to LPS' operations ceases, including the actions it will take to avoid causing harmful interference if it attempts to modify the station WQAZ441 license. 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 Rules, we direct WAC to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of WAC with personal knowledge of the representations provided in WAC's response, verifying the truth and accuracy of the information therein,<sup>5</sup> 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. 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 No. and NOV No. specified above, and mailed to the following address:

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 C.F.R. § 1.89(c).

<sup>5</sup> Section 1.16 of the 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 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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Federal Communications Commission  
Denver District Office  
P.O. Box 25446  
One Denver Federal Center – Building 1A  
Lakewood, CO 80225

6. This Notice shall be sent to Wireless Advanced Communications at its address of record.

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

Nikki P. Shears  
District Director  
Denver Office  
Western Region  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).