

Federal Communications Commission

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

In the Matter of)	
)	
Avis Budget Group)	
)	File No. EB-FIELDWR-12-00004799
Licensee of Station WQPF596)	
)	
Tukwila, Washington)	NOV No. V201332980001
)	

NOTICE OF VIOLATION

Released: December 6, 2012

By the Acting District Director, Seattle 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),¹ to Avis Budget Group, licensee of radio station WQPF596 in Tukwila, Washington. 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.²

2. On October 1, 2012, an agent of the Enforcement Bureau’s Seattle Office inspected radio station WQPF596, located at 15820 International Boulevard, Tukwila, Washington, 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 this part, except as specified in paragraph (b) of this section.” Avis Budget Group is operating a fixed repeater station, Motorola model MOTOTRBO Capacity Plus, on the frequencies 463.6750 MHz, and on 463.5875 MHz. The radio station license, WQPF596, authorizes conventional operation, type “IG,” on these frequencies, whereas this repeater station is operating in the trunked mode, type “YG.”

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

Federal Communications Commission

- b. 47 C.F.R. § 90.403(e): “Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference.” At the time of the on-scene investigation on October 1, 2012, the station WQPF596 transmitter was repeatedly transmitting a pulsing digitally modulated signal approximately once every 1.9 seconds, with a transmission duration of approximately one-fourth of a second, on 463.6750 MHz, a frequency shared with another licensee, WPKS622 in the Puget Sound area. These pulsing transmissions continued without breaks for several hours, creating the potential for harmful interference and preventing the effective sharing of the frequency with the other licensed user, WPKS622.

- c. 47 C.F.R. § 90.425(a): “Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation.” At the time of the investigation, the WQPF596 signal was monitored for several hours and was heard to identify with call sign in Morse Code only at intervals of 30 minutes.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Avis Budget Group 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 Rules, we direct Avis Budget Group to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Avis Budget Group with personal knowledge of the representations provided in Avis Budget Group’s response, verifying the truth and accuracy of the information therein,⁵ and confirming

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ 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

Federal Communications Commission

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.⁶

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:

Federal Communications Commission
Seattle District Office
11410 NE 122nd Way, Suite 312
Kirkland, Washington 98034

6. This Notice shall be sent to Avis Budget Group 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 what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Leo Cirbo
Acting District Director
Seattle Office
Western Region
Enforcement Bureau

C.F.R. § 1.16.

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

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).