



**FEDERAL COMMUNICATIONS COMMISSION**  
**ENFORCEMENT BUREAU**  
**NORTHEAST REGION**

**Buffalo Office**  
6400 Sheridan Drive  
Suite 140  
Buffalo, NY 14221  
(716) 626-2455

March 9, 2009

Richard Hairston  
Erie, PA 16510

**NOTICE OF UNLICENSED OPERATION**

Case Number: EB-09-BF-0005  
Document Number: W200932280002

The Buffalo Office received information that an unlicensed broadcast radio station on 88.7 MHz was allegedly operating in Erie, PA. On March 5, 2009, an agent from this office confirmed by direction finding techniques that radio signals on frequency 88.7 MHz were emanating from your property located at 1901 Schaal Ave, Erie, PA, 16510. The Commission's records show that no license was issued for operation of a broadcast station on 88.7 MHz at this location in Erie, PA.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* The field strength of the signal on frequency 88.7 MHz was measured at 3,162 microvolts per meter ( $\mu\text{V/m}$ ) at 327 meters, which exceeded the maximum permitted level of 250 $\mu\text{V/m}$  at 3 meters for non-licensed devices. Thus, this station is operating in violation of 47 U.S.C. § 301.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization or providing services and facilities incidental to the operation of an unlicensed radio transmitter constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

**UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.**

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address in the

letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

David A. Viglione  
Resident Agent  
Buffalo Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended