



**FEDERAL COMMUNICATIONS COMMISSION**  
**ENFORCEMENT BUREAU**  
**SOUTH CENTRAL REGION**

**Miami Office**  
P.O. Box 520617  
Miami, FL 33152

May 15, 2009

John Druan  
Palm Beach Gardens, FL

**NOTICE OF UNLICENSED OPERATION**

Case Number: EB-09-MA-0082  
Document Number: W200932600055

The Miami Office received information that an unlicensed broadcast radio station on 96.3 MHz was allegedly operating in Palm Beach Gardens, FL. On May 13, 2009, agents from this office confirmed by direction finding techniques that radio signals on frequency 96.3 MHz were emanating from your residence in Palm Beach Gardens, FL. Agents from this office inspected the radio station, and you admitted to operating the radio station from this location. The Commission's records show that no license was issued for operation of a broadcast station on 96.3 MHz at this location in Palm Beach Gardens, FL.

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 96.3 MHz was measured at 9,000 microvolts per meter ( $\mu\text{V/m}$ ) at 541 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 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. Be advised that this warning does not preclude this office from pursuing additional sanctions based upon our investigation of this incident.

You may contact this office if you have any questions.

Michael Mattern  
Resident Agent  
Miami Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended  
Enforcement Bureau, "Inspection Fact Sheet", March 2005