



**FEDERAL COMMUNICATIONS COMMISSION  
ENFORCEMENT BUREAU  
SOUTHEAST REGION**

**Atlanta Office**  
3575 Koger Blvd Suite 320  
Duluth, GA 30096

July 21, 2009

David Lott  
Gainesville, GA

**NOTICE OF UNLICENSED OPERATION**

Case Number: EB-09-AT-0016  
Document Number: W200932480004

The Atlanta Office received information that an unlicensed broadcast radio station on 100.9 MHz was allegedly operating in Gainesville, GA. On April 21, 2009, agents from this office confirmed by direction finding techniques that radio signals on frequency 100.9MHz were emanating from your residence in Gainesville, GA. The Commission's records show that no license was issued for operation of a broadcast station on 100.9 MHz at this location in Gainesville, GA

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 100.9 MHz was measured at 6,980 microvolts per meter ( $\mu\text{V/m}$ ) at 492.3 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.

You may contact this office if you have any questions.

Douglas Miller  
District Director  
Atlanta Office

Attachments:

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