
Federal Communications Commission

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

In the Matter of

Darrell Guy
Owner/Registrant of Personal Locator Beacon
Marietta, Georgia

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File No. EB-09-AN-0015

NOV No. V200932780003

NOTICE OF VIOLATION

Released: August 31, 2009

By the Anchorage Resident Agent Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,¹ to Darrell Guy, owner/registrant of a Personal Locator Beacon ("PLB"), Marietta, GA.

2. On July 17, 2009, agents of the Enforcement Bureau's Anchorage Office, in response to a complaint, located through signal strength and direction finding techniques an active PLB operating on both 121.5 and 406.025 MHz at a car rental business at 4707 Spenard Road, Anchorage, AK. The agents observed the following violation:

47 C.F.R. § 95.1401: "The frequency band 406.0 – 406.1 MHz is an emergency and distress frequency band available for use by Personal Locator Beacons (PLBs). Personal Locator Beacons that transmit on the frequency band 406.0 – 406.1 MHz must use G1D emission. Use of these frequencies must be limited to transmission of distress and safety communications." The PLB was manually activated when no emergency existed.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Darrell Guy, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by Darrell Guy. 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:

¹ 47 C.F.R. § 1.89.

² 47 U.S.C. § 403.

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Federal Communications Commission
Enforcement Bureau
Anchorage Resident Agent Office
P.O. Box 221849
Anchorage, Alaska 99522-1849

4. This Notice shall be sent to by Certified Mail/Return Receipt Requested and regular mail to Darrell Guy at his address of record.

5. The Privacy Act of 1974³ 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. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

David J. Charlton
Resident Agent
Anchorage Resident Agent Office
Western Region
Enforcement Bureau

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*