



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION

Boston Office
One Batterymarch Park
Quincy, MA 02169
(617) 786-7746

September 3, 2009

Delroy A. Johnson
Dorchester, MA

NOTICE OF UNLICENSED OPERATION

Case Number: EB-09-BS-0027
Document Number: W200932260009

On July 7, 2009, the Boston office received information that an unlicensed broadcast station on 97.5 MHz was allegedly operating in Hyde Park, MA. On July 14, 2009, agents from this office confirmed by direction finding techniques that radio signals on frequency 97.5 MHz were emanating from a studio located in the basement unit of One Westinghouse Plaza, Hyde Park, MA. Agents determined that you are the lessee of this unit. Although the radio station on 97.5 MHz ceased operating from One Westinghouse Plaza, the Boston Office subsequently received information that the same station was now operating in Dorchester, MA. On September 1, 2009, agents from this office confirmed by direction finding techniques that radio signals on frequency 97.5 MHz were emanating from 76 Esmond St., Dorchester, MA, which agents have identified as one of your residences. The Commission's records show that no license was issued for operation of a broadcast station on 97.5 MHz at this location in Dorchester, MA or in Hyde Park, MA.

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 97.5 MHz was measured at 181,163 microvolts per meter ($\mu\text{V}/\text{m}$) at 66 meters, which exceeded the maximum permitted level of 250 $\mu\text{V}/\text{m}$ 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.

Dennis Loria
District Director
Boston Office

Attachments:

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