



**FEDERAL COMMUNICATIONS COMMISSION**  
**ENFORCEMENT BUREAU**  
**WESTERN REGION**  
**Denver District Office**

215 S. Wadsworth Blvd., Suite 303  
Lakewood, CO 80226  
303-231-5212

August 31, 2009

Waterton Residential / Tantra Lake Apts.  
1000 W. Moorhead Circle  
Boulder, CO 80305

**NOTICE OF UNLICENSED OPERATION**

Case Number: EB-09-DV-0029  
Document Number: W200932800014

The Denver Office received information that an unlicensed broadcast radio station on 95.3 MHz was operating in the Boulder, CO area. On July 31, 2009 and August 1, 2009, agents from this office confirmed by direction finding techniques that radio signals on frequency 95.3 MHz were emanating from the property at 897 E. Moorhead Circle Apt A, in Boulder, CO. Public records list you as the owner of the property. The Commission's records show that no license was issued for operation of a broadcast station at this location in Boulder, CO.

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 that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* On July 31, 2009, the operation on frequency 95.3 MHz was measured at 1,881,288 microvolts per meter ( $\mu\text{V}/\text{m}$ ) at 3 meters. On August 1, 2009, the operation on frequency 95.3 MHz was measured at 2,257,545 microvolts per meter ( $\mu\text{V}/\text{m}$ ) at 3 meters. These measurements exceed the allowable unlicensed limit of 250  $\mu\text{V}/\text{m}$  at 3 meters established in Part 15. 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 of this illegal operation to severe penalties, including, but not limited to, substantial monetary forfeitures, *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.

Nikki P. Shears  
District Director  
Denver District Office  
Western Region  
Enforcement Bureau

Attachments:

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