

Federal Communications Commission

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

In the Matter of)
) File No.: EB-09-PA-0157
Hinkletown Mennonite Church)
) Citation No.: C200932400003
Ephrata, Pennsylvania)

CITATION

Released: September 11, 2009

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),¹ to Hinkletown Mennonite Church (“Hinkletown”) for violation of Section 15.5(b) of the Commission's Rules (“Rules”).²

2. On August 12, 2009, the Enforcement Bureau's Philadelphia Office received a complaint from Capital Area Communications (“Capital”) that emissions from an unidentified radio transmitter were causing harmful interference to Capital’s radio transmitting equipment on the frequency 72.4 MHz. Capital is authorized by the Commission under call sign KTI564 to operate the radio transmitter in Ephrata, Pennsylvania at the coordinates 40° 10’ 27.30” North Latitude 076° 09’ 29.8” West Longitude. During the investigation on August 13, 2009, the FCC agent determined that the source of the interfering emissions was a Telex SoundMate synthesized transmitter device (Model ST-200, FCC ID # B5DM508) that Hinkletown was operating at 2031 Division Highway, Ephrata, Pennsylvania 17522.

3. The Telex SoundMate synthesized transmitter device, Model ST-200, is a Part 15 non-licensed intentional radiator. Section 15.5(b) of the Rules states that “[o]peration of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused... .”³ Section 15.3(m) of the Rules defines harmful interference as “any emission, radiation or induction that ... seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with this chapter.”⁴ Section 15.5(c) of the Rules requires that “[t]he operator of the radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing

¹ 47 U.S.C. § 503(b)(5).

² 47 C.F.R. § 15.5(b).

³ 47 C.F.R. § 15.5(b).

⁴ 47 C.F.R. § 15.3(m).

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harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected.”⁵

4. You are hereby notified that operation of the Telex SoundMate synthesized transmitter device, Model ST-200, was causing harmful interference to a licensed service, such that the licensed service was seriously degraded, in violation of Section 15.5(b) of the Rules. You are hereby also notified that operation of the Telex SoundMate synthesized transmitter device, Model ST-200 must be stopped until the cause of the harmful interference has been corrected, in accordance with Section 15.5(c) of the Rules.

5. Violations of the Act or the Commission's Rules may subject the violator to substantial monetary forfeitures,⁶ seizure of equipment through *in rem* forfeiture action, and criminal sanctions, including imprisonment.⁷

6. Hinkletown may request an interview at the closest FCC Office, which is Federal Communications Commission, Enforcement Bureau, Northeast Region, One Oxford Valley, Suite 404, 2300 East Lincoln Highway, Langhorne, PA 19047.⁸ Hinkletown may contact this office by telephone, (XXX) XXXX-XXXX to schedule this interview, which must take place within 14 days of this Citation. Hinkletown may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violation outlined above. Please reference file number EB-09-PA-0157 when corresponding with the Commission.

7. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.⁹ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.¹⁰

8. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Hinkletown at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

⁵47 C.F.R. § 15.5(c).

⁶ 47 C.F.R. § 1.80(b)(3).

⁷ 47 U.S.C. §§ 401, 501, 503, 510.

⁸ 47 U.S.C. § 503(b)(5).

⁹ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

¹⁰ See 18 U.S.C. § 1001 *et seq.*