



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION**

Portland Resident Agent Office

P.O. Box 61469
Vancouver, WA 98666-1469

November 5, 2009

Ken Cartwright
KENC Radio
Stayton, Oregon 97383

NOTICE OF UNLICENSED OPERATION

Case Number: EB-09-PO-0056
Document Number: W201032920001

The Portland Resident Agent Office received information that an unlicensed broadcast radio station on 1620 kHz was allegedly operating in Stayton, Oregon. On October 20, 2009, an agent from this office confirmed by direction finding techniques that radio signals on frequency 1620 kHz were emanating from 429 N. Third Avenue, Stayton, Oregon. The Commission's records show that no license was issued for operation of a broadcast station at this location on 1620 kHz in Stayton, Oregon.

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.* The field strength of the signal on frequency 1620 kHz was measured at 4000 microvolts per meter ($\mu\text{V/m}$) at 137 meters, which exceeded the maximum permitted level of 14.8 $\mu\text{V/m}$ ($24,000/1620$) at 30 meters established in Section 15.209(a) of the Rules (*See* 47 C.F.R. §15.209(a)).

In addition, Section 15.219(b) of the Rules states "the total length of the transmission line, antenna, and ground lead (if used) shall not exceed approximately 3 meters." During the inspection on October 20, 2009, the agent observed that the vertical whip antenna used by the station was approximately 3 meters long, however, the referenced antenna's ground lead was attached to an unshielded radiating metal tower in which the height of the tower measured at approximately 40 feet long (12.2 meters). This antenna installation violated Section 15.219(b) of the Rules. *See* 47 C.F.R. 15.219(b).

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.

Binh Nguyen
Resident Agent
Portland Resident Agent Office
Western Region
Enforcement Bureau

Attachments:

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