FEDERAL COMMUNICATIONS COMMISSION

ENFORCEMENT BUREAU
South Central Region

Miami Office
P.O. Box 520617
Miami, FL 33152-0617

November 12, 2009

Webert Jean Louis
Fort Lauderdale, Florida

NOTICE OF UNLICENSED OPERATION

Case Number: EB-09-MA-0171
Document Number: W201032600013

The Miami Office received information that an unlicensed broadcast radio station on 103.9 MHz was allegedly operating in the Fort Lauderdale area. On October 15, 2009, and November 10, 2009, agents from this office confirmed by direction finding techniques that radio signals on frequency 103.9 MHz were emanating from an antenna on the property <address redacted>, Fort Lauderdale, Florida. Information received by this office indicates you are one of the operators of this station. The Commission's records show that no license was issued for operation of a broadcast station on 103.9 MHz at this location in Fort Lauderdale, Florida.

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 103.9 MHz was measured at 58,532 microvolts per meter (μV/m) at 169 meters and 13,946 μV/m at 393 meters on October 15, 2009, and November 10, 2009, respectively, which exceeded the maximum permitted level of 250 μV/m at 3 meters for non-licensed devices. Thus, this station was 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). Be advised that this warning does not preclude this office from pursuing additional sanctions based upon our investigation of this incident.

UNLICENSED OPERATION OF THIS RADIO STATION MUST NOT RESUME.

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.

Stephanie Dabkowski
Resident Agent
Miami Office

Attachments:

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