



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
Northeast Region

Detroit Office
24897 Hathaway St.
Farmington Hills, MI 48335-1552

December 2, 2009

(Sent via Certified Return Receipt Requested and First Class U.S. Mail)

LA Fitness
Cincinnati, OH

NOTICE OF UNLICENSED OPERATION

Case Number: EB-09-DT-0314
Document Number: W201032360002

The Detroit Office received information that an unlicensed broadcast radio station on 87.9 MHz was allegedly operating in Cincinnati, OH. On September 29, 2009, agents from this office confirmed by direction finding techniques that radio signals on frequency 87.9 MHz were emanating from LA Fitness located at 7880 Montgomery Rd, Cincinnati, OH. The Commission's records show that no license was issued for operation of a broadcast station on 87.9 MHz at this location in Cincinnati, OH.

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.* Operation of a broadcast station on 87.9 MHz, however, is not authorized at any field strength level. *See* 47 C.F.R. §15.209(a).¹ 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

¹ Although not applicable to a broadcast station, we note that periodic operation on 87.9 MHz would be permitted under 47 C.F.R. § 15.231.

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.

James A. Bridgewater
District Director
Detroit Office

Attachments:

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