



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION**

**Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047**

December 8, 2009

Lower Macungie Elementary School
Macungie, Pennsylvania

NOTICE OF UNLICENSED OPERATION

Case Number: EB-09-PA-0253
Document Number: W201032400002

On October 29, 2009, the Commission's Philadelphia Office received a complaint alleging that Lower Macungie Elementary School was operating on the unauthorized Land Mobile Radio Service frequency 467.875 MHz. On November 12, 2009, agents inspected the radio communications equipment at Lower Macungie Elementary School and found that the school was operating Motorola Mag One BPR40 two-way radios on the frequency 467.875 MHz. The Commission's records show that Lower Macungie Elementary School is not authorized to operate radio transmitting equipment on the frequency 467.875 MHz.

Radio stations must be licensed by the FCC pursuant to 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).

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.

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

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", July 2003