



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
South Central Region

Dallas Office
9330 LBJ Freeway, Suite 1170
Dallas, TX 75243

January 26, 2010

Housley Communications Inc.
Carrollton, Texas

NOTICE OF UNLICENSED OPERATION

Case Number: EB-10-DL-0001
Document Number: W201032500010

The Dallas Office received information that an unlicensed radio station on 459.125 MHz was allegedly operating in Dallas, Texas. The report specified a construction site from which the operation was occurring. On January 5, 2010, an agent from this office traveled to the reported site, but the transmitter was not operating at that time. The agent inspected the Hetronic International Inc. transmitter (FCC ID LW9-CS458-TX), which was located on top of a directional drill. An agent spoke to the Regional Manager of Housley Communications, Inc. who admitted that they had been using the Hetronic transmitter. The Regional Manager agreed to cease operations at that time. The Commission's records show that no license has been issued for operation of this station on 459.125 MHz from this or any location in Dallas, Texas.

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 Hetronic transmitter in question is authorized to operate in the 458.8-459.2 MHz band pursuant to Part 90.217 of the Commission's rules, not Part 15. Accordingly, a license is required to operate this transmitter pursuant to Part 90 of the Commission's rules.

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 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.

James D. Wells
District Director
Dallas District Office

Attachments:

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