



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION

San Francisco Office
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March 24, 2010

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NOTICE OF UNLICENSED OPERATION

Case Number: EB-10-SF-0045
Document Number: W201032960005

The San Francisco Office received information that an unlicensed broadcast radio station on 88.7 MHz was allegedly operating in Concord, California. On February 1, 2010, agents from this office confirmed by direction finding techniques that radio signals on frequency 88.7 MHz were emanating from El Talachas Tire Shop, 1115A Detroit Ave., Concord, California. Public records list you as the owner of the property. The Commission's records show that no license was issued for operation of a broadcast station at this location on 88.7 MHz in Concord, California.

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 operation on frequency 88.7 MHz was measured at 8,686 microvolts per meter ($\mu\text{V}/\text{m}$) at 3 meters. This exceeds the allowable unlicensed limit of 250 $\mu\text{V}/\text{m}$ at 3 meters established in Part 15. Thus, this station is operating in violation of 47 U.S.C. § 301.

Spurious radio signals associated with the operation of this station were detected on the frequency of 120.7 MHz. The spurious signal is within the radio frequency band assigned for communications between aircraft and/or aircraft and aviation ground facilities. **The signals may present a safety hazard to the operation of aircraft since air/ground communications could be affected.**

Spurious radio signals associated with the operation of this station were detected on the frequencies of 177.4 MHz and 266.1 MHz. These spurious signals are within the frequency bands assigned for Broadcast Service and Government Fixed Mobile Radio Service and could interfere with licensed or other authorized radio communications.

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.

Thomas N. VanStavern
District Director
San Francisco Office
Western Region
Enforcement Bureau

Attachments:

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