



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION

San Francisco Office
5653 Stoneridge Drive, Suite 105
Pleasanton, CA 94588-8543

April 12, 2010

Gabriel A. Garcia
San Jose, CA 95159

NOTICE OF UNLICENSED OPERATION

Case Number: EB-10-SF-0031
Document Number: W201032960006

The San Francisco Office received information that an unlicensed broadcast radio station on 92.9 MHz was allegedly operating in San Jose, California. On March 12, 2010 agents from this office confirmed by direction finding techniques that radio signals on frequency 92.9 MHz were emanating from 243 N. 33rd Street, San Jose, California. The Commission's records show that no license was issued for the operation of a broadcast station at this location on 92.9 MHz in San Jose, 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.* Your operation on frequency 92.9 MHz was measured at 513,935 microvolts per meter ($\mu\text{V}/\text{m}$) at 327 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 frequencies of 119.8, 120.1, 120.3 and 124.325 MHz. The spurious signals are 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.**

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. Van Stavern
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