



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION

San Diego District Office
4542 Ruffner St., Suite 370
San Diego, California 92111

April 20, 2010

Diana L. Dexter
Tucson, Arizona

NOTICE OF UNLICENSED OPERATION

Case Number: EB-09-SD-0139
Document Number: W201032940003

The San Diego Office received information that there was an FM broadcast station operation on 103.3 MHz in the Tucson, AZ, area. On March 17, 2010, agents from this office determined that the station operating on 103.3 MHz was in the Pusch Ridge wilderness area in the Coronado National Forest just north of Tucson. On March 18, 2010, these agents further determined that a radio station operating at 657.500 MHz was controlling and relaying programming material to the FM broadcast station located in the wilderness area. The agents determined that the transmitter on 657.500 MHz was located at 144 West 5th Street, Tucson, Arizona. The Pima County Assessor's records show that you are the owner of the property at 144 West 5th Street, Tucson. The Commission's records indicate that no license was issued for operation of a radio station at this location on 657.500 MHz.

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 657.500 MHz could be heard by the station on 103.3 MHz, which is more than eight miles away. Therefore, this station could not be operating under Part 15. 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 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.

William R. Zears Jr.
District Director
San Diego District Office
Western Region
Enforcement Bureau

Attachments:

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