



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
SOUTH CENTRAL REGION

Miami Office
P.O. Box 520617
Miami, FL 33152

June 25, 2010

Maincius Alce
West Palm Beach, FL

NOTICE OF UNLICENSED OPERATION

Case Number: EB-10-MA-0113 / 0114
Document Number: W201032600053

The Miami Office received information that two unlicensed broadcast radio stations on 106.9 MHz and 100.1 MHz were allegedly operating in West Palm Beach, FL. On June 15, 2010, agents from this office confirmed by direction finding techniques that radio signals on frequencies 100.1 MHz and 106.9 MHz were emanating from antennas at your residential property. During the inspection, you stated that you are the owner of this property. Public records confirm that you are the owner of this property. The Commission's records show that no license was issued for operation of a broadcast station on 100.1 MHz or 106.9 MHz at this location in West Palm Beach, FL.

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 field strength of the signals on frequencies 106.9 MHz and 100.1 MHz were measured at 4,497 and 8,832 microvolts per meter ($\mu\text{V}/\text{m}$) at 610 meters, respectively. Both stations exceeded the maximum permitted level of 250 $\mu\text{V}/\text{m}$ at 3 meters for non-licensed devices. 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 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 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.

Michael Mattern
Resident Agent
Miami Office

Attachments:

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