



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
South Central Region

San Juan Office
Room 762
Federal Building
Hato Rey, Puerto Rico 00918

August 9, 2010

Noel Benzo
Río Grande, Puerto Rico

NOTICE OF UNLICENSED OPERATION

Case Number: EB-109-SJ-0046
Document Number: W201032680007

The San Juan Office received information that an unlicensed broadcast radio station on 91.7 MHz was allegedly operating in Río Grande, Puerto Rico. On June 11, 2010 and July 30, 2010 agents from this office confirmed by direction finding techniques that radio signals on frequency 91.7 MHz were emanating from a room on the second floor of a building located on Calle B #1 in Río Grande, Puerto Rico. This office has received information that you are the owner and operator of this unlicensed station. The Commission's records show that no license was issued for operation of a broadcast station on 91.7 MHz at this location. Subsequent to the inspection, you voluntarily ceased broadcasting.

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 signal on frequency 91.7 MHz was measured at 6,000 microvolts per meter ($\mu\text{V}/\text{m}$) at 69 meters, which 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 or providing services and facilities incidental to the operation of an unlicensed radio transmitter 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.

William Berry
Resident Agent
San Juan Office

Attachments:

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