



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION

Denver Office
215 S. Wadsworth Blvd. Suite 303
Lakewood, Colorado 80226

September 30, 2010

Bradley M. Heggeseth
Sioux Falls, South Dakota 57103

NOTICE OF UNLICENSED OPERATION

Case Number: EB-10-DV-0246
Document Number: W201032800008

The Denver Office received information that an unlicensed broadcast radio station on 1640 kHz was allegedly operating in Sioux Falls, South Dakota. On August 11, 2010, an agent from this office confirmed by direction finding techniques that radio signals on frequency 1640 kHz were emanating from your residence in Sioux Falls, South Dakota. The Commission's records show that no license was issued for operation of a broadcast station at this location on 1640 kHz in Sioux Falls, South Dakota.

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 field strength of the signal on frequency 1640 kHz was measured at 14,500 microvolts per meter ($\mu\text{V}/\text{m}$) at 62 meters, which exceeded the maximum permitted level of 14.6 $\mu\text{V}/\text{m}$ (24,000/1640) at 30 meters established in Section 15.209 of the Rules (*See* 47 C.F.R. §15.209(a)).

Another exception, for some transmitters operating in the 510 kHz to 1705 kHz band is found in 47 C.F.R. §15.219. Specifically, Section 15.219(b) of the Rules states "the total length of the transmission line, antenna, and ground lead (if used) shall not exceed approximately 3 meters." (*See* 47 C.F.R. §15.219(b).) During the inspection on August 11, 2010, the agent observed that the approximate length of the antenna, transmission line and the ground lead was 34 feet (10 meters). This installation violated Section 15.219(b) of the Rules.

In addition, the AM transmitter was radiating spurious signals at 3280 kHz and 4920 kHz that are assigned to communications between aircraft and/or aircraft and aviation ground facilities.

These 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.

Nikki Shears
District Director
Denver Office
Western Region
Enforcement Bureau

Attachments:

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