



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION**

Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

April 8, 2011

(Sent via Certified Return Receipt Requested and First Class U.S. Mail)

Joseph Gries, Owner
Bensalem Travel Plaza CB Shop
Bensalem, Pennsylvania

NOTICE OF UNLICENSED OPERATION

Case Number: EB-11-PA-0050
Document Number: W201132400005

The Philadelphia Office received a complaint alleging that you are operating a Citizens Band (“CB”) radio station with excessive power and with a non-certified CB radio. As described below, agents from the Enforcement Bureau’s Philadelphia Office found during an investigation that you were operating your CB station at the Bensalem Travel Plaza CB Shop in Bensalem, Pennsylvania in a manner that voided your authorization to operate.

On March 29, 2011, agents inspected your CB station and observed that you were operating a non-certified CB transceiver, a Ranger RCI2995 DX, at your CB station. CB Rule 9, 47 C.F.R. § 95.409(a), states that “You must use an FCC certificated CB transmitter at your CB station. You can identify an FCC certificated transmitter by the certification label placed on it by the manufacturer...Use of a transmitter which is not FCC certified voids your authority to operate the station.” By using the non-certified Ranger RCI2995 DX transceiver, you voided your authority to operate this station.

During the inspection agents also observed that you were operating your CB station with a power in excess of 4 Watts in AM mode. CB Rule 10, 47 C.F.R. §§ 95.410(a) and (c), states that “Your CB station transmitter power output must not exceed the following values under any conditions: AM (A3) – 4 Watts (carrier power), SSB – 12 Watts (peak envelope power)...Use of a transmitter which has carrier or peak envelope power in excess of that authorized voids your authority to operate the station.” By operating your CB station with a power in excess of 4 Watts in AM mode, you voided your authority to operate this station.

During the inspection, you informed the agent that you install sound effect modules in customers' CB radios and that these installations are very profitable for your business. However, CB Rule

9, 47 C.F.R. § 95.409(b), states that “You must not make, or have made, any internal modifications to a certificated CB transmitter.” At 10:45 a.m. on March 29, 2011, the agents observed that you transmitted an advertisement for the Bensalem Travel Plaza on CB Channel 19 (27.185 MHz). CB Rule 13, 47 C.F.R. § 95.413(a)(5), states that “You must not use a CB station to advertise or solicit the sale of any goods or services.”

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of 47 U.S.C. § 301 and could subject you 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.

If the over-powered operation or transmission of advertisements continues, the FCC may impose restricted hours of operation for your CB station pursuant to CB Rule 23, 47 C.F.R. § 95.423. In addition, the Commission may commence a further investigation to determine whether you continue to operate your station in violation of any of the Commission’s Rules.

Pursuant to section 308(b) of the Act, you have 15 days from the date of this letter to respond advising what corrective actions you have taken to eliminate the observed violations of Commission Rules. 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.

Gene J. Stanbro
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

Attachments:

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