



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION 1**

Columbia Office
9200 Farm House Lane
Columbia, Maryland 21046

July 06, 2016

Little Bay Lobster Company
Newington, New Hampshire

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDNER-16-00022055
Document Number: W201632340002

The Columbia Office of the Federal Communications Commission's (Commission's) Enforcement Bureau received information that fishing vessels were operating within the aeronautical band in Portsmouth, New Hampshire. Subsequently, the Commission's High Frequency Direction Finding Center confirmed that fishing vessels owned by the Little Bay Lobster Company were operating on 5642.9 kHz, only 300 Hz below the frequency assigned by the Commission to an aeronautical radio licensee, KUA3.

The frequency 5642.9 kHz is authorized under Part 87 of the FCC Rules only for Aviation Services. The Little Bay Lobster Company is not eligible to operate on any frequency in the Aviation Services, including 5642.9 kHz. Even if it were eligible, Section 87.263(b) of the Rules prohibits the regular use of high frequencies for aeronautical enroute or any aeronautical mobile (R) communications in the domestic service within the continental United States (excluding Alaska).

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 AND SHALL NOT RESUME.

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.

Dave Dombrowski
Regional Director
Columbia Office
Region 1
Enforcement Bureau

Attachments:

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