



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION ONE**

Columbia Regional Office
9200 Farm House Lane
Columbia, Maryland 21046
(301) 725-1996

May 18, 2017

Sean Marshall
Mount Vernon, New York

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDNER-16-00022165

On April 18, 2017, Agents from the New York Office of the Federal Communications Commission's Enforcement Bureau responded to a complaint of an unlicensed FM station operating on the frequency 98.9 MHz in Bronx, New York. The Agents confirmed by direction finding techniques that radio signals on frequency 98.9 MHz were emanating from an apartment on E. 243rd Street, Bronx, New York. The Commission's records show no license issued for operation of a radio station on 98.9 MHz at this location in Bronx, New York. You admitted to the Agents that you were the operator of the radio station and acknowledged that you had no authorization to operate the radio station.

Radio stations operating on many frequencies, including 98.9 MHz, must be licensed by the FCC pursuant to Section 301 of the Communications Act of 1934, as amended (Act).¹ 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.² The field strength of the signal on frequency 98.9 MHz was measured at 9,258 microvolts per meter ($\mu\text{V}/\text{m}$) at 515.24 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 Section 301 of the Act.³

¹ 47 U.S.C. § 301.

² 47 CFR §§ 15.1 *et seq.*

³ 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.⁴

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 number. Under the Privacy Act of 1974,⁵ 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.



David C. Dombrowski
Regional Director
Region One
Enforcement Bureau
Federal Communications Commission

Attachments:

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

⁴ See 47 U.S.C. §§ 401, 501, 503 and 510.

⁵ 5 U.S.C. § 552a(e)(3).