



**FEDERAL COMMUNICATIONS COMMISSION  
ENFORCEMENT BUREAU  
REGION TWO**

Atlanta Regional Office  
3600 Hiram Lithia Springs Rd SW  
Powder Springs, GA 30127

August 11, 2017

Michael Palache  
West Palm Beach, Florida

**NOTICE OF UNLICENSED OPERATION**

Case Number: EB-FIELDSCR-17-00024824

On July 17 and July 22, 2017, Agents from the Miami Office (Miami Office) of the Federal Communications Commission's (FCC's or Commission's) Enforcement Bureau (Bureau) investigated an unlicensed FM station operating on frequency 94.7 MHz in West Palm Beach, Florida. The Agents confirmed by direction finding techniques that radio signals on frequency 94.7 MHz were emanating from a single family residential property in West Palm Beach, Florida. The Agents talked to a resident of that property who identified you as the operator of the station. Public records also list you as the property owner. The Commission's records show that no license was issued for operation of a broadcast station at this location on 94.7 MHz in West Palm Beach, Florida.

Radio stations operating on a range of frequencies,<sup>1</sup> including 94.7 MHz, must be licensed by the FCC pursuant to Section 301 of the Communications Act of 1934, as amended (Act).<sup>2</sup> 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.<sup>3</sup> On July 17, 2017, the field strength of the signal on frequency 94.7 MHz exceeded the maximum permitted level of 250 microvolts per meter ( $\mu\text{V}/\text{m}$ ) at 3 meters for non-licensed devices. Thus, this station is operating in violation of Section 301 of the Act.<sup>4</sup>

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.<sup>5</sup>

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<sup>1</sup> 47 CFR § 73.201.

<sup>2</sup> 47 U.S.C. § 301.

<sup>3</sup> 47 CFR §§ 15.1 *et seq.*

<sup>4</sup> 47 U.S.C. § 301.

<sup>5</sup> *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,<sup>6</sup> 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.

Ronald D. Ramage  
Regional Director  
Region Two  
Enforcement Bureau  
Federal Communications Commission

Attachments:

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

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<sup>6</sup> 5 U.S.C. § 552a(e)(3).