



**FEDERAL COMMUNICATIONS COMMISSION  
ENFORCEMENT BUREAU  
REGION ONE**

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

October 31, 2017

Efrain Lanchi Ortega  
Queens, New York

**NOTICE OF UNLICENSED OPERATION**

Case Number: EB-FIELDNER-17-00024174

On October 2, 2017, an Agent from the New York Office (New York Office) of the Federal Communications Commission's (FCC's or Commission's) Enforcement Bureau (Bureau) responded to a complaint of an unlicensed FM station operating on the frequency 95.9 MHz in Queens, New York. The Agent confirmed by direction finding techniques that radio signals on frequency 95.9 MHz were emanating from 35-20 97<sup>th</sup> Street, Queens, New York. The Agent heard the radio station identify itself as "Radio Xplosion Hits 95.9 FM." Through investigation, the Agent determined that you were the operator of the station. The Commission's records show no license issued for operation of a radio station on 95.9 MHz at this location in Queens, New York.

Radio stations operating on a range of frequencies,<sup>1</sup> including 95.9 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 October 2, 2017, the field strength of the signal on frequency 95.9 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 was 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, or in violation of the Commission's RF radiation limits, constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties,

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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.

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>

**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 Commission. Your response should be sent to the address in the letterhead and reference the listed case 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 Commission 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

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<sup>5</sup> See 47 U.S.C. §§ 401, 501, 503 and 510.

<sup>6</sup> 5 U.S.C. § 552a(e)(3).