



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION TWO
P.O. Box 1493
Powder Springs, GA 30127

March 28, 2018

Jerome Moultrie
Miami, Florida

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDSCR-18-00026127

On October 24, 2017 and January 25, 2018, Agents from the Miami Office (Miami Office) of the Federal Communications Commission's (FCC's or Commission's) Enforcement Bureau (Bureau) confirmed by direction finding techniques that radio signals on frequency 90.1 MHz were emanating from your residence located on Northeast 149th Street in Miami, Florida. According to the property owner, you are the sole lessee of the property. On February 23, 2018, Miami Agents, accompanied by a property owner representative, met you at your residence where they observed an FM transmitting antenna mounted in a tree in the backyard, and an antenna coaxial cable leading from the antenna into a small locked cabinet at the back of the house where the transmitter was located. The Commission's records show that no license was issued for operation of a broadcast station on 90.1 MHz at this location in Miami, Florida.

Radio stations operating on a range of frequencies,¹ including 90.1 MHz, must be licensed by the FCC pursuant to Section 301 of the Communications Act of 1934, as amended (Act).² 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.³ On October 24, 2017 and January 25, 2018, Agents made field strength measurements of the signal on frequency 90.1 MHz, and on both dates, the measurements 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.⁴

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* seizure of the offending radio equipment, and criminal sanctions including imprisonment.⁵

¹ 47 CFR § 73.201.

² 47 U.S.C. § 301.

³ 47 CFR §§ 15.1 *et seq.*

⁴ 47 U.S.C. § 301.

⁵ *See* 47 U.S.C. §§ 401, 501, 503 and 510.

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY AND MUST NOT RESUME.

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 1974,⁶ 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 the Commission's 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

⁶ 5 U.S.C. § 552a(e)(3).