



**FEDERAL COMMUNICATIONS COMMISSION  
ENFORCEMENT BUREAU  
REGION THREE**

**Los Angeles Regional Office**  
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(562) 860-7474

May 15, 2018

Thomas Eugene Barnes  
Orchard Motel  
2206 Adams Avenue, Room 8  
La Grande, Oregon 97850

**NOTICE OF UNLICENSED OPERATION**

Case Number: EB-FIELDWR-18-00026591

On April 18, 2018, an Agent from the Portland Office (Portland 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 92.3 MHz were emanating from your antenna located at the Orchard Motel, 2206 Adams Avenue, Room 8, La Grande, Oregon. The Commission's records show that no license was issued for operation of a broadcast station on 92.3 MHz at this location in La Grande, Oregon.

Radio stations operating on a range of frequencies,<sup>1</sup> including 92.3 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 April 18, 2018, an Agent made field strength measurements of the signal on frequency 92.3 MHz, which 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

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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.

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.<sup>5</sup>

**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,<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 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.

Lark Hadley  
Regional Director  
Region Three  
Enforcement Bureau

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).