



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION TWO**

Atlanta Regional Office
P.O. Box 1493
Powder Springs, GA 30127

July 25, 2018

Prospect Elementary School
Attn: Steve Montgomery
Cleveland, Tennessee

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDSCR-18-00026598

On April 4, 2018, Agents from the Atlanta Office (Atlanta 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 96.9 MHz were emanating from Prospect Elementary School on Prospect School Rd. in Cleveland, Tennessee. The Commission's records show that no license was issued for operation of a broadcast station at this location on 96.9 MHz in Cleveland, Tennessee.

Radio stations operating on a range of frequencies,¹ including 96.9 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 to operate in accordance with the technical standards for certain low power devices established in Part 15 of the Commission's rules,³ and also to be certified for use under Part 15 of the Commission's rules.⁴ Section 2.805(a) of the Commission's rules provides in relevant part that, except in a few narrow circumstances not pertinent here, "[a] radio frequency device may not be operated prior to equipment authorization."⁵ As of April 4, 2018, the transmitter being used for this station was not certified for use under Part 15 of the Commission's rules. Thus, this station is operating in violation of Section 301 of the Act.⁶

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*

¹ 47 CFR § 73.201.

² 47 U.S.C. § 301.

³ 47 CFR §§ 15.1 *et seq.*

⁴ 47 U.S.C. § 15.201.

⁵ 47 CFR § 2.805(a).

⁶ 47 U.S.C. § 301.

arrest action against the offending radio equipment, and criminal sanctions including imprisonment.⁷

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 1974,⁸ 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

⁷ See 47 U.S.C. §§ 401, 501, 503 and 510.

⁸ 5 U.S.C. § 552a(e)(3).