



Federal Communications Commission  
Enforcement Bureau  
Region Two

Atlanta Regional Office  
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Powder Springs, GA 30127  
Field@FCC.gov

November 13, 2018

**BY UPS AND FIRST CLASS MAIL**

Gerald Sutton  
Alma, Arkansas

**NOTICE OF UNLICENSED OPERATION**

Case Number: EB-FIELDSCR-18-00027605

The New Orleans Office of the Federal Communications Commission's (Commission's) Enforcement Bureau received a complaint of an unlicensed FM station operating on frequency 94.1 MHz and causing harmful interference to a licensed FM station operating on 94.1 MHz. On October 18, 2018, an Agent from the New Orleans Office confirmed by direction finding techniques that the unlicensed station had changed frequencies and that radio signals on frequency 103.1 MHz were emanating from a business/residence located on Fayetteville Ave. in Alma, Arkansas. The Commission's records show no license issued for operation of a radio station on 103.1 MHz at this location.

Radio stations operating on certain frequencies,<sup>1</sup> including 103.1 MHz, must be licensed by the Commission 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 or mode of operation that complies with the standards established in Part 15 of the Commission's rules.<sup>3</sup> The Agent found that the station at your business/residence was operating at a power level that exceeds the level permitted by Part 15. The field strength of the signal on frequency 103.1 MHz was measured at levels exceeding the maximum permitted level of 250 microvolts per meter at 3 meters for non-licensed devices. Therefore, this station is operating in violation of Section 301.<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* 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.**

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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.

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.

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"

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<sup>6</sup> 5 U.S.C. § 552a(e)(3).