



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION THREE**

Los Angeles Regional Office
11331 183rd Street, PMB #365
Cerritos, CA 90703
Field@FCC.gov
(562) 860-7474

February 11, 2019

Cesar Ascarrunz
San Francisco, California 94131

Case Number: EB-FIELDWR-18-00027601

NOTICE OF UNLICENSED OPERATION

On August 24, 2018, Agents from the San Francisco Office (San Francisco 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 102.5 MHz in San Francisco, California. The Agents confirmed by direction finding techniques that a radio signal on 102.5 MHz was emanating from your residence located on Miguel Street in San Francisco, California. The Commission's records show that no license was issued for operation of a broadcast station on 102.5 MHz at this location. The San Francisco Office investigated and determined you are the owner and/or operator of the unlicensed FM station on 102.5 MHz. The station was identified as "Radio La Fabulosa".

Radio stations operating on certain frequencies,¹ including 102.5 MHz, must be licensed by the Commission 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 or mode of operation that complies with the standards established in Part 15 of the Commission's rules.³ On August 24, 2018, the Agents found that the station at your home was operating at a power level that exceeds the level permitted by Part 15. The field strength of the signal on frequency 102.5 MHz was measured at levels exceeding the maximum permitted level of 250 microvolts per meter ($\mu\text{V}/\text{m}$) at 3 meters established for non-licensed devices. Therefore, 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

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

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.

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.

FEDERAL COMMUNICATIONS COMMISSION

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

⁶ 5 U.S.C. § 552a(e)(3).