



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

August 7, 2018

Ernie Santiago
San Juan, Puerto Rico

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDSCR-18-00026038

An Agent in the Dallas Office of the Federal Communications Commission's (FCC's or Commission's) Enforcement Bureau (Bureau) received a complaint of an unlicensed FM station operating on frequency 98.5 MHz. On March 2, 2018, the FCC confirmed by direction finding techniques that radio signals on frequency 98.5 MHz were emanating from your residence located on Ponce De Leon Avenue, San Juan PR 00907. According to the property administrator, you are the sole lessee of the property. The Commission's records show that no license was issued for operation of a broadcast station on 98.5 MHz at this location in San Juan, Puerto Rico.

Radio stations operating on certain frequencies,¹ including 98.5 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 March 2, 2018, the FCC 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 98.5 MHz was measured at levels exceeding the maximum permitted level of 250 microvolts per meter ($\mu\text{V}/\text{m}$) at 3 meters 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.

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).