



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION ONE**

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May 29, 2019

Manuel Pimentel
Passaic, New Jersey

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDNER-19-00029094

On May 7, 2019, Agents from the New York Office of the Federal Communications Commission's (FCC's or Commission's) Enforcement Bureau (Bureau) investigated an unlicensed FM station operating on the frequency 102.3 MHz in East Orange, New Jersey. The Agents confirmed by direction finding techniques that radio signals on the frequency 102.3 MHz were emanating from the apartment complex located at 60 Parkway Drive, East Orange, New Jersey. Agents confirmed, through investigation that you lease space at this location for the operation of the FM Station and you are the operator of the unlicensed FM station. The Commission's records show that no license was issued for operation of a broadcast station on 102.3 MHz at this location in East Orange, New Jersey.

Radio stations operating on a range of frequencies,¹ including 102.3 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 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 May 7, 2019, Agents measured the field strength of the signal on the frequency 102.3 MHz for the station and found that it exceeded the maximum permitted level of 250 $\mu\text{V}/\text{m}$ at 3 meters for non-licensed devices. Thus, this station is operating in violation of section 301 of the Act.⁴

¹ 47 CFR § 73.201.

² 47 U.S.C. § 301.

³ 47 CFR §§ 15.1 *et seq.*

⁴ 47 U.S.C. § 301.

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 may subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions, including imprisonment.⁵

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 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 FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

David C. Dombrowski
Regional Director
Region One
Enforcement Bureau
Federal Communications Commission

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005
FCC News, "FCC Enforcement Bureau Applauds Westchester County District Attorney
for Pirate Radio Case?"

⁵ See 47 U.S.C. §§ 401, 501, 503 and 510.

⁶ 5 U.S.C. § 552a(e)(3).