



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION ONE**

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September 5, 2019

Fernando Vilorio
Freeport, New York

**NOTICE OF UNLICENSED OPERATION AND
NOTIFICATION OF HARMFUL INTERFERENCE**

Case Number: EB-FIELDNER-19-00029585

The Federal Communications Commission (FCC or Commission) received a complaint concerning an apparent unauthorized broadcast station operating on 90.1 MHz in Freeport, New York that was causing harmful interference to licensed station WKCR, 89.9 MHz, New York, New York. On August 7, 2019, Agents from the New York Office (NY Office) of the Commission's Enforcement Bureau (Bureau) investigated and confirmed by direction finding techniques that radio signals on the frequency 90.1 MHz were emanating from the commercial property on West Sunrise Highway in Freeport, NY 11520. Agents confirmed, through investigation, that you are the operator of the unlicensed radio station. The Commission's records show that no license was issued for operation of a broadcast station on 90.1 MHz at this location in Freeport, New York.

Radio stations operating on a range of frequencies,¹ including 90.1 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 The Agent found that the station was operating at a power level that exceeds the level permitted by part 15. On August 7, 2019, Agents measured the field strength of the signal on the frequency 90.1 MHz for the station and found that it exceeded the maximum permitted level of 250 μ V/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.

Operation of radio transmitting equipment without a valid FCC authorization or license is a violation of section 301 of the Act⁵ and may subject the responsible parties to substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. Because unlicensed operation creates a danger of interference to important radio communications services and may subject the operator to severe penalties, this letter emphasizes the importance of complying strictly with these legal requirements.⁶

UNAUTHORIZED OPERATION OF THIS RADIO TRANSMITTING DEVICE AND ASSOCIATED HARMFUL INTERFERENCE MUST CEASE IMMEDIATELY AND MUST NOT RESUME.

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 1974,⁷ 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

⁵ 47 U.S.C. § 301.

⁶ See 47 U.S.C. §§ 401, 501, 503 and 510.

⁷ 5 U.S.C. § 552a(e)(3).