



Federal Communications Commission
Enforcement Bureau
Region One

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June 5, 2023

BY FIRST CLASS MAIL AND UPS

Stacey Snell
Utica, New York

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

Case Number: EB-FIELDNER-22-00034522

The Federal Communications Commission (FCC or Commission) received a complaint from Herkimer County Office of Emergency Services (Herkimer County) concerning harmful interference and unauthorized transmissions on the frequency 155.610 MHz used for police dispatch communications in Herkimer County, New York. On March 24, 2023, an Agent from the Columbia Office of the FCC's Enforcement Bureau (Bureau) investigated and determined Stacey Snell was making unauthorized transmissions and causing harmful interference on the frequency 155.610 MHz from his residence in Utica, New York. The Commission's records show that no license was issued for his operation on the public safety frequency 155.610 MHz in the Utica, New York area.

Radio stations must be licensed by the FCC pursuant to section 301 of the Communications Act of 1934, as amended (Act).¹ 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.² Non-licensed operation pursuant to part 15 of the Commission's rules, however, is conditioned upon compliance with all applicable regulations in the subpart.³ All intentional radiators operating pursuant to part 15 of the FCC's rules must be certified for use as a part 15 device,⁴ and failure to operate such device consistent with its authorization violates part 15 of the Commission's rules.

Non-licensed operation of a part 15 device is subject to the condition that it must not cause harmful interference and, if harmful interference occurs, operation of the device must cease.⁵ Harmful interference is defined as "[a]ny emission, radiation or induction that endangers the functioning of a radio

¹ 47 U.S.C. § 301.

² 47 CFR §§ 15.1, *et seq.*

³ 47 CFR § 15.1(b).

⁴ 47 CFR § 15.201(b).

⁵ 47 CFR §§ 15.5(c), 15.405.

navigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radio communications service operating in accordance with this chapter.”⁶

Operation of radio transmitting equipment without a valid FCC authorization or license is a violation of section 301 of the Act⁷ 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.⁸

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 concerning your operation of radio transmitting equipment on the frequency 155.610 MHz. Your response should describe the steps you are taking to avoid operating on unauthorized frequencies and preventing future interference. Your response should be sent to the address in the letterhead and reference the listed case number. Under the Privacy Act of 1974,⁹ 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

Enclosures

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005

⁶ 47 CFR § 15.3(m).

⁷ 47 U.S.C. § 301.

⁸ See 47 U.S.C. §§ 401, 501, 503 and 510.

⁹ 5 U.S.C. § 552a(e)(3).