



**FEDERAL COMMUNICATIONS COMMISSION**  
**ENFORCEMENT BUREAU**  
**WESTERN REGION**

**San Diego Office**  
4542 Ruffner Street, Room 370  
San Diego, CA 92111  
(858) 496-5111

November 19, 2015

Ute Poole  
Phoenix, AZ

**NOTICE OF UNLICENSED OPERATION**

Case Number: EB-FIELDWR-15-00020253  
Document Number: W201632940001

The San Diego Office received information that an unlicensed broadcast radio station on 87.9 MHz was allegedly operating in Phoenix, AZ. On September 22, 2015, an agent from this office confirmed by direction finding techniques that radio signals on frequency 87.9 MHz were emanating from a residence in Phoenix, AZ. Public records list you as the owner of the property. The Commission's records show that no license was issued for operation of a broadcast station at this location on 87.9 MHz in Phoenix, AZ.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* The field strength of the signal on frequency 87.9 MHz exceeded the maximum permitted level of 100 microvolts per meter ( $\mu\text{V}/\text{m}$ ) at 3 meters for non-licensed devices. In addition, fundamental emissions from intentional radiators operating under Part 15 shall not be located in the frequency band 76-88 MHz. Thus, this station is operating in violation of 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 could subject the operator of this illegal operation to severe penalties, including, but not limited to, substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*See* 47 U.S.C. §§ 401, 501, 503 and 510.)

**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 and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), 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.

James T. Lyon  
District Director  
San Diego Office  
Western Region  
Enforcement Bureau

Attachments:

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