CERTIFIED MAIL RETURN RECEIPT REQUESTED

August 9, 2013

Mark W. Althaus
(Address withheld)
(Address withheld)

Re: WARNING FOR UNLICENSED RADIO OPERATION
EB-FIELDNER-13-00009345

Dear Mr. Althaus:

It has come to the attention of the Federal Communications Commission that at multiple times in the last several months you have made radio transmissions on 26.735 MHz, in the so-called "freeband." Operation in this band is prohibited.

Operation of radio transmitting equipment outside of authorized frequencies is a violation of Section 301 of the Communications Act of 1934, as amended,[1] and may subject the responsible parties to substantial monetary forfeitures,[2] *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.[3] Because unlicensed operation creates a danger of interference to important radio communications services and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

UNAUTHORIZED OPERATION OF THIS RADIO STATION MUST <u>CEASE IMMEDIATELY</u>.

You have ten (10) days from the date of receipt of this warning to respond to this office. The response must contain a statement of the specific action(s) taken to come into compliance with the Commission's rules and should include a time line for completion of pending corrective action(s). **You are directed to support your response with a signed and dated affidavit or declaration under penalty of perjury, verifying the truth and accuracy of the information submitted in your response.** Your response should be sent to the following address: 1270 Fairfield Road, Gettysburg, Pennsylvania 17325 and reference the listed case number.

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[1] 47 U.S.C. § 301.
[2] Fines normally range from $7,500 to $10,000.
[3] *See* §§ 401, 501, 503, 510.

In an inquiry of this type we are required to notify you that under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), the Commission's staff will use all relevant information before it, including information you disclose in your reply, to determine what, if any, enforcement action is warranted in this matter.

You may contact me via telephone at 717-338-2577 should you wish to discuss this matter.

Sincerely,

Laura L. Smith, Esq.
Special Counsel
Enforcement Bureau

Cc: New York Field Office
Northeast Regional Director