

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

July 22, 2009

Mr. William J. Didonna
735 Memorial Drive
Chicopee, MA 01020

Re: **WARNING NOTICE**
Amateur Radio License NE1Z
EB-09-GB-0196

Dear Mr. Didonna:

By letter dated July 1, 2009, the Commission notified you that it had received several complaints concerning the operation of your amateur radio station. The complaints allege that you transmitted obscene or indecent words or language in violation of Section 97.113(a) (4) of the Commission's rules. The letter further noted that in addition to complaints from other licensees, the staff at the Commission's monitoring station heard and recorded you engaging in the above-referenced behavior. A copy of all of the recordings made by the Commission's staff was sent to you for your review.¹

You responded to the Commission's letter on July 15, 2009. In that letter, you acknowledge that you spend "ninety percent" of your time operating on 3.910, the frequency in question. You further note that the conversations at 3.910 get "bad" at times and these types of conversations are regular occurrences. You indicated, however, that after listening to the recordings, you could not specifically recall any of those QSO's and claim not to recognize your voice. You further mention that you believe the individuals providing the complaints to the Commission are after you because they do not "like" you when others at 3.910 are guilty of using the same language and engaging in the same behavior.

Your argument that it is not you on the recordings is unpersuasive. One of the Commission's field agents used the Commission's direction finding equipment at our monitoring station on the dates in question to determine the location of the offending parties. He then recorded the offenses and reported such offenses to undersigned counsel. He specifically identified you, William Didonna of Chicopee, Massachusetts

¹ In your response, you question who wrote the phrase "Didonna's tapes" on the copy of the recordings that you received. That was done by undersigned counsel.

(call sign NE1Z), as one of the offending parties and provided undersigned counsel with recordings of the conversations in question.

Your operation as described above, and recorded by the Commission's staff, is contrary to the basis and purpose of the amateur radio service as set out in Section 97.1 of the Commission's rules.² Please be advised that the Commission expects you to abide by its rules. This letter serves as notice that, if operation of this type reoccurs after receipt of this letter, you could be subject to severe penalties, including license revocation, monetary forfeiture (fines),³ or a modification proceeding to restrict the frequencies upon which you may operate.

Sincerely,

Laura L. Smith
Special Counsel
Enforcement Bureau

Cc: Boston Field Office
Northeast Regional Director

² See 47 C.F.R. § 97.1.

³ Fines normally range from \$7,500 to \$10,000.