



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION ONE**

Columbia Regional Office
9200 Farm House Lane
Columbia, Maryland 21046
(301) 725-1996

October 20, 2017

Cesar Gerlens
Everett, Massachusetts

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDNER-17-00024874
EB-FIELDNER-17-00025342
EB-FIELDNER-17-00025344

On August 2, 2017, Agents from the Boston Office (Boston Office) of the Federal Communications Commission's (FCC's or Commission's) Enforcement Bureau (Bureau) responded to a complaint of an unlicensed FM station operating on the frequency 92.1 MHz in Brockton, Massachusetts. The Agents confirmed by direction finding techniques that radio signals on frequency 92.1 MHz were emanating from a residential property at 22-24 Cherry Street, Brockton, Massachusetts. The Commission's records show that no license was issued for operation of a radio station on 92.1 MHz at this location in Brockton, Massachusetts. The Boston Office investigated and determined you are the owner or operator of the FM broadcast station on 92.1 MHz in Brockton, Massachusetts.

On September 18 and 19, 2017, Agents from the Boston Office responded to a complaint of an unlicensed FM station operating on the frequency 92.1 MHz in Boston, Massachusetts. The Agents confirmed by direction finding techniques that radio signals on frequency 92.1 MHz were emanating from a residential property on Vine Street in Everett, Massachusetts. The Commission's records show that no license was issued for operation of a radio station on 92.1 MHz at this location in Everett, Massachusetts. During an inspection, you admitted to the Agents that you are the operator of the FM broadcast station on 92.1 MHz in Everett Massachusetts.

On September 21 and 22, 2017, Agents from the Boston Office investigated the operation of an unlicensed FM station operating on the frequency 92.1 MHz in Randolph, Massachusetts. The Agents confirmed by direction finding techniques that radio signals on frequency 92.1 MHz were emanating from a residential property on Himoor Circle in Randolph, Massachusetts. The Commission's records show that no license was issued for operation of a radio station on 92.1 MHz at this location in Himoor, Massachusetts. The Boston Office investigated and determined

you are the owner or operator of the FM broadcast station on 92.1 MHz in Randolph, Massachusetts.

On September 23, 2017, Agents from the Boston Office responded to a complaint of an unlicensed FM station operating on the frequency 90.1 MHz in Mattapan, Massachusetts. The Agents confirmed by direction finding techniques that radio signals on frequency 90.1 MHz were emanating from a residential property on Duke Street, Mattapan, Massachusetts. The Commission's records show that no license was issued for operation of a radio station on 90.1 MHz at this location in Mattapan, Massachusetts. The Boston Office investigated and determined you are the owner or operator of the FM broadcast station on 90.1 MHz in Mattapan, Massachusetts.

Radio stations operating on a range of frequencies,¹ including 92.1 MHz and 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 Agents measured the field strength of the signal on the frequencies 90.1 MHz and 92.1 MHz for each station and found that it exceeded the maximum permitted level of 250 $\mu\text{V}/\text{m}$ at 3 meters for non-licensed devices. Thus, these four stations were operating in violation of Section 301 of the Act.⁴

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 will subject the operator to severe penalties, including, but not limited to, *in rem* seizure of the offending radio equipment without further notice, substantial fines, and criminal sanctions, including imprisonment.⁵

UNLICENSED OPERATION OF THESE RADIO STATIONS MUST BE DISCONTINUED 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 1974,⁶ 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.

¹ 47 CFR § 73.201.

² 47 U.S.C. § 301.

³ 47 CFR §§ 15.1 *et seq.*

⁴ 47 U.S.C. § 301.

⁵ *See* 47 U.S.C. §§ 401, 501, 503 and 510.

⁶ 5 U.S.C. § 552a(e)(3).

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