



Federal Communications Commission  
Enforcement Bureau  
Region One

Columbia Regional Office  
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Columbia, Maryland 21045  
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February 12, 2018

**BY UPS AND FIRST-CLASS MAIL**

Gerlens Cesar  
Mattapan, Massachusetts

**NOTICE OF UNLICENSED OPERATION**

Case Numbers: EB-FIELDNER-17-00023484  
EB-FIELDNER-17-00024874  
EB-FIELDNER-17-00025342  
EB-FIELDNER-17-00025344

The Boston Office of the Federal Communications Commission's (Commission's) Enforcement Bureau has received a complaint of an unlicensed FM station operating on frequency 92.1 MHz and 90.1 MHz at different locations in and around Boston, Massachusetts.

On January 29, 2018, an agent from the Boston Office confirmed by direction finding techniques that radio signals on frequency 90.1 MHz were emanating from a multi-family building on Duke Street in Boston, Massachusetts. The Commission's records show no license issued for operation of a radio station on 90.1 MHz at this location.

On January 29, 2018, an agent from the Boston Office confirmed by direction finding techniques that radio signals on frequency 92.1 MHz were emanating from a multi-family building on Cherry Street in Brockton, Massachusetts. The Commission's records show no license issued for operation of a radio station on 92.1 MHz at this location.

On January 29, 2018, an agent from the Boston Office confirmed by direction finding techniques that radio signals on frequency 92.1 MHz were emanating from a single-family residence on Himoor Circle in Randolph, Massachusetts. The Commission's records show no license issued for operation of a radio station on 92.1 MHz at this location.

On January 29, 2018, an agent from the Boston Office confirmed by direction finding techniques that radio signals on frequency 92.1 MHz were emanating from a residential building on Vine Street in Everett, Massachusetts. The Commission's records show no license issued for operation of a radio station on 92.1 MHz at this location.

Radio stations operating on many frequencies, including 92.1 MHz and 90.1 MHz, must be licensed by the Commission pursuant to Section 301 of the Communications Act of 1934, as amended (Act).<sup>1</sup> 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.<sup>2</sup>

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<sup>1</sup> 47 U.S.C. § 301.

<sup>2</sup> 47 CFR §§ 15.1 *et seq.*

The Agent found that the equipment at the locations specified above was operating at a power level that exceeds the level permitted by Part 15. The field strengths of the signals on frequencies 92.1 MHz and 90.1 MHz were measured at levels exceeding the maximum permitted level of 250 microvolts per meter at 3 meters for non-licensed devices at the locations described above. Therefore, these stations are operating in violation of Section 301.<sup>3</sup>

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 to severe penalties, including, but not limited to, substantial monetary fines, *in rem* seizure of the offending radio equipment, and criminal sanctions including imprisonment.<sup>4</sup>

**UNLICENSED OPERATION OF THIS RADIO STATION 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 Commission. Your response should be sent to the address in the letterhead and reference the listed case number. Under the Privacy Act of 1974,<sup>5</sup> 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 the Commission's rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

David 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", June 2017

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<sup>3</sup> 47 U.S.C. § 301.

<sup>4</sup> See 47 U.S.C. §§ 401, 501, 503, and 510.

<sup>5</sup> 5 U.S.C. § 552a(e)(3).