



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION THREE**

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February 27, 2018

Arthur Ware
Des Moines, Washington 98198

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDWR-18-00025974

On January 25, 2018, an Agent from the Portland Office (Portland 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 88.3 MHz in Des Moines, Washington. The Agent confirmed by direction finding techniques that radio signals on frequency 88.3 MHz were emanating from your business on 7th Avenue South, Des Moines, Washington. The Commission's records show that no license was issued for operation of a radio station on 88.3 MHz at this location in Des Moines, Washington. The Portland Office investigated and determined you are the owner and operator of the unlicensed FM station on 88.3 MHz.

Radio stations operating on a range of frequencies,¹ including 88.3 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 On January 25, 2018, the field strength of your signal on frequency 88.3 MHz exceeded the maximum permitted level of 250 microvolts per meter ($\mu\text{V}/\text{m}$) at 3 meters for non-licensed devices. Thus, this station is operating in violation of Section 301 of the Act.⁴

¹ 47 CFR § 73.201.

² 47 U.S.C. § 301.

³ 47 CFR §§ 15.1 *et seq.*

⁴ 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 to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions, including imprisonment.⁵

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 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.

You may contact this office if you have any questions.

Lark Hadley
Regional Director
Region Three
Enforcement Bureau

Attachments:

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

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

⁶ 5 U.S.C. § 552a(e)(3).