

**VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

September 11, 2009

Mr. Donald R. Ellis  
(address withheld)  
Sioux Falls, SD 57103

**Re: Amateur Radio License KB0TVP  
Warning Notice  
EB-09-GB-0242**

Dear Mr. Ellis:

The owner/operator of KB0IXM has requested, by certified letter, that you refrain from use of his repeater. The written request was issued as a result of your failure to follow operational rules set forth by the licensee/control operator of the repeater for his users. You were previously issued several verbal requests to refrain from using the repeater, but failed to comply with those requests necessitating the formal written request. You did not accept the certified letter, but did acknowledge on air on August 19, 2009, that you understood that you were not to be using the KB0IXM repeater while asking if there were other repeaters in the area that you could use.

The Commission requires that repeaters be under the supervision of a control operator and not only expects, but requires, that such control operators be responsible for the proper operation of the repeater system. Control operators may take whatever steps they deem appropriate to ensure compliance with the repeater rules, including limiting the repeater use to certain users, converting the repeater to a closed repeater or taking it off the air entirely.

Please be advised that the Commission expects you to abide by the request of the owner/operator that you stay off of KB0IXM – and any other similar requests to cease operations on any other repeaters by any other repeater licensees, control operators or trustees. Use of KB0IXM again after receipt of this letter could subject you to severe penalties, including license revocation, monetary forfeiture (fine)<sup>1</sup> or a modification proceeding to restrict the frequencies upon which you may operate.

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<sup>1</sup> Fines normally range from \$7,500 to \$10,000.

Moreover, Section 1.5 of the Commission's rules mandates that every licensee "furnish the Commission with an address to be used by the Commission in serving documents or directing correspondence to that licensee."<sup>2</sup> I note that this letter is being hand delivered to you by the Fargo, North Dakota police department as you are no longer located at the address listed in the Commission's ULS database. You have ten (10) days from the date of receipt of this letter to update the information in the Commission's ULS database to reflect your new address. You may contact me at 717-338-2577 should you have any questions regarding this matter.

Sincerely,

Laura L. Smith  
Special Counsel

Cc: St. Paul Resident Agent  
Northeast Regional Director

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<sup>2</sup> See 47 C.F.R. § 1.5.