



Federal Communications Commission
Enforcement Bureau
Chicago District Office
1550 Northwest Highway, Room 306
Park Ridge, IL 60068
847-813-4660

12 AUG 2010

HAND DELIVERED

Mbanna KatanKO
1113 N 5TH
Springfield, IL

RE: NOTICE OF UNLICENSED RADIO OPERATION

To M. KatanKO

On 12 / AUG 2010, agents of the Federal Communications Commission ("FCC") noted the following conditions regarding the radio station located at 1113 N 5TH ST:

You refused to allow an inspection of your radio equipment in violation of Section 303(n) of the Communications Act of 1934, as amended. (See 47 U.S.C. § 303(n)).

A valid FCC radio station license for your radio transmissions on _____ was not in evidence at the time of inspection. Operation of the station without proper Commission authorization is a violation of Section 301 of the Communications Act of 1934, as amended. (See 47 U.S.C. § 301)

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exceptions to this licensing requirement are for certain transmitters using or operating at a power level that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* Field strength measurements of your operation on 105.9 MHz were taken and were found to exceed the allowable limits established in Part 15. Thus, this station is operating in violation of 47 U.S.C. § 301.

Spurious radio signals associated with the operation of this station were detected on the frequency(ies) of _____. The spurious signal(s) is within the radio frequency band assigned for communications between aircraft and/or aircraft and aviation ground facilities. **The signal(s) may present a safety hazard to the operation of aircraft since air/ground communications could be affected.**

Spurious radio signals associated with the operation of this station were detected on the frequency(ies) of _____. The(se) spurious signal(s) is(are) within the frequency band assigned for _____, and could interfere with licensed or other authorized communications.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization and/or refusal to allow inspection of your radio station constitutes violation of the Federal laws cited above and could subject the owner of this illegal operation to the severe penalties provided, including, but not limited to, a maximum criminal fine of

\$100,000 and/or one year imprisonment, or arrest of the equipment for the first offense (*see* 47 U.S.C. §§ 501, 503 & 510).

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with proof of your license or authority to operate this radio station. Your response should be sent to the address in the letterhead. Under the Privacy Act of 1934, 5 U.S.C. § 552a(e)(3), 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.


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When delivered in person, this notice must be acknowledged. Signing for this document is not an admission of guilt.

Refused to Sign
Received by _____ Date _____

Attachment

EXCERPTS FROM THE COMMUNICATIONS ACT OF 1934, AS AMENDED

Section 301. License for Radio Communication or Transmission of Energy

It is the purpose of this Act, among other things, to maintain the control of the United States over all the channels of radio transmission; and to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license. No person shall use or operate any apparatus for the transmission of energy or communications or signals by radio (a) from one place in any State, Territory, or possession of the United States or in the District of Columbia to another place in the same State, Territory, possession, or District; or (b) from any State, Territory, or possession of the United States, or from the District of Columbia to any other State, Territory, or possession of the United States; or (c) from any place in any State, Territory, or possession of the United States, or in the District of Columbia, to any place in any foreign country or to any vessel; or (d) within any State when the effects of such use extend beyond the borders of said State, or when interference is caused by such use or operation with the transmission of such energy, communications, or signals from within said State to any place beyond its borders, or from any place beyond its borders to any place within said State, or with the transmission or reception of such energy, communications, or signals from and/or to places beyond the borders of said State; or (e) upon any vessel or aircraft of the United States (except as provided in section 303(t)); or (f) upon any other mobile stations within the jurisdiction of the United States, except under and in accordance with this Act and with a license in that behalf granted under the provisions of this Act.

Section 303. General Powers of The Commission

Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires shall-

.....

(n) Have authority to inspect all radio installations associated with stations required to be licensed by any Act, or which the Commission by rule has authorized to operate without a license under Section 307(e)(1), or which are subject to the provisions of any Act, treaty, or convention binding on the United States, to ascertain whether in construction, installation, and operation they conform to the requirements of the rules and regulations of the Commission, the provision of any Act, the terms of any treaty or convention binding on the United States and the conditions of the license or other instrument of authorization under which they are constructed, installed, or operated.

Section 333. Willful or Malicious Interference

No person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government.

Section 501. General Penalty

Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing, in this Act prohibited or declared to be unlawful, or who willfully or knowingly omits or fails to do any act, matter, or thing in this Act required to be done, or willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished for such offense, for which no penalty (other than a forfeiture) is provided in this Act, by a fine of not more than \$10,000 or by imprisonment for a term not exceeding one year, or both; except that any person, having been once convicted of an

offense punishable under this section, who is subsequently convicted of violating any provision of this Act punishable under this section, shall be punished by a fine of not more than \$10,000 or by imprisonment for a term not exceeding two years, or both.

Section 503. Forfeitures in Cases of Rebates and Offsets

....

(b)(1) Any person who is determined by the Commission ... to have--

....

(B) willfully or repeatedly failed to comply with any of the provisions of this Act or of any rule, regulation, or order issued by the Commission under this Act or under any treaty, convention, or other agreement to which the United States is a party and which is binding on the United States;

....

shall be liable to the United States for a forfeiture penalty.

....

Section 510. Forfeiture of Communications Devices

(a) Any electronic, electromagnetic, radio frequency, or similar device, or component thereof, used, sent, carried, manufactured, assembled, possessed, offered for sale, sold or advertised with willful and knowing intent to violate Section 301 or 302, or rules prescribed by the Commission under such sections, may be seized and forfeited to the United States.