



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION**

Portland Resident Agent Office

P.O. Box 61469
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(360) 696-6707

March 29, 2013

Waste Management

Forest Grove, OR 97116

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDWR-12-00007430
Document Number: W201332920008

An inspection conducted on March 18, 2013, revealed that Waste Management had operated a faulty Dekolink bi-directional amplifier (BDA), FCCID# OIWCBDA8009001W80 that was transmitting a continuous unmodulated carrier on frequency approximately 809.9365 MHz at 1525 "B" Street, Forest Grove, Oregon 97116. The referenced emission was causing interference to the Washington Consolidated Communications Agency's 800 MHz trunked radio system in Hillsboro, Oregon. An agent from this office conducted on-off tests and verified the interference.

Section 90.219 of the Commission's Rules,¹ only authorized Part-90 licensees to operate radio systems in the frequency bands above 150 MHz to employ signal boosters at fixed locations. The Commission records show no license issued for operation of a radio station at this location in the 800 MHz band.

Operation of radio transmitting equipment without a valid FCC authorization or license is a violation of Section 301 of the Communications Act of 1934, as amended,² and may subject the responsible parties to substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.³ Because unlicensed operation creates a danger of interference to important radio communications services and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

¹ See 47 C.F.R. § 90.219

² 47 U.S.C. § 301.

³ See 47 U.S.C. §§ 401, 501, 503, 510.

UNLICENSED OPERATION 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 or have obtained consent from a licensed Common Carrier. To resolve the issue with respect to your authority to operate this device, and pursuant to Section 403 of the Communications Act of 1934, as amended,⁴ provide an explanation as to what has been done to correct the interference issue and to ensure that it will not recur.

Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 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.

You may contact this office if you have any questions.

Binh Nguyen
Resident Agent
Portland Resident Agent Office
Western Region
Enforcement Bureau

Attachments:

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

⁴ 47 U.S.C. § 403.