

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for the United States of America
By: ARASTU K. CHAUDHURY
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANY AND ALL RADIO STATION
TRANSMISSION EQUIPMENT, RADIO
FREQUENCY POWER AMPLIFIERS,
RADIO FREQUENCY TEST
EQUIPMENT AND ANY OTHER
EQUIPMENT ASSOCIATED WITH OR
USED IN CONNECTION WITH THE
RADIO TRANSMISSIONS ON THE
FREQUENCY OF 95.3 MHZ OR 100.1
MHZ LOCATED AT 1370 SAINT
NICHOLAS AVENUE, APARTMENT
27N, NEW YORK, NEW YORK 10033,

Defendants-In-Rem.

----- x

FILED UNDER SEAL

No. 14 Civ. 991 (LTS)

VERIFIED AMENDED COMPLAINT
IN REM

The United States of America, by its attorney, Preet Bharara, United States Attorney for
the Southern District of New York, alleges upon information and belief as follows:

PRELIMINARY STATEMENT

1. Plaintiff brings this action in rem to forfeit and to condemn to the use of the United States of America, pursuant to 47 U.S.C. § 510, any and all radio station transmission equipment, radio frequency power amplifiers, radio frequency test equipment and any other equipment associated with or used in connection with any radio transmissions on the frequency of 95.3 Megahertz (“MHz”) or 100.1 MHz from or in the vicinity of 1370 Saint Nicholas Avenue, Apartment 27N, New York, New York 10033 (hereinafter referred to as the “Defendant Radio Station Equipment”), which are being used in violation of 47 U.S.C. § 301.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355 and 47 U.S.C. § 510.

3. Venue in this District is proper under 28 U.S.C. § 1395(b).

4. The Defendant Radio Station Equipment is located within the jurisdiction of this Court.

STATUTORY BACKGROUND

5. The Federal Communications Commission (the “FCC”) is an independent federal regulatory agency created by Congress to regulate intrastate, interstate, and foreign radio communications pursuant to the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. § 151 et seq.

6. Section 301 of the Act, 47 U.S.C. § 301, prohibits the operation of any apparatus for the transmission of energy, communications, or signals by radio from one place in the United States to another place in the United States, except under and in accordance with the Act and with a license for that purpose granted under the provisions of the Act.

7. The only exception to this licensing requirement is for certain low-power radio transmitters operating at a signal strength that complies with the FCC rules set forth in 47 C.F.R. § 15.239(b). FCC rules limit such FM transmitters to a field strength of 250 microvolts at a distance of three meters from the transmitting antenna.

8. Pursuant to 47 U.S.C. § 510, any electronic, electromagnetic, radio frequency, or similar device, or component thereof, used with willful and knowing intent to violate 47 U.S.C. § 301, may be seized and forfeited to the United States of America.

FACTS

Investigation Related to 95.3 MHZ

9. On or about June 18, 2012, after receiving complaints that an unlicensed radio station was operating out of 1370 Saint Nicholas Avenue, FCC Agents, using direction finding techniques, determined that an unlicensed station was operating from Apartment 27N at 1370 Saint Nicholas Avenue, and posted a Notice of Unlicensed Operation on the door of Apartment 27N. *See* Ex. 10.

10. On July 24, 2013, using direction finding techniques, FCC Agents positively identified the source of the signal on 95.3 MHz to 1370 Saint Nicholas Avenue, Apartment 27N, New York, New York 10033. Agents observed the antenna located on the balcony of Apartment 27N. Agents determined that the signal strength exceeded that allowed under FCC rules for non-licensed transmitters by 27,852 times the legal limit for 95.3 MHz. *See* Exs. 1, 2.

11. The FCC database shows no license issued for an FM radio station on 95.3 MHz, nor any license issued for a broadcast station at 1370 Saint Nicholas Avenue, New York, New York 10033.

12. On July 25, 2013, FCC Agents contacted the building management company and determined that Laisa Polanco is the lessee of Apartment 27N. *See Ex. 3.*

13. On July 30, 2013, the New York Office sent a Notice of Unlicensed Operation to Laisa Polanco via certified and first class mail stating that operation of a radio station from 1370 Saint Nicholas Avenue, New York, New York 10033, on frequency 95.3 MHz violates Section 301 of the Act and outlining the potential penalties for such a violation. *See Ex. 4.*

14. The copy of the Notice of Unlicensed Operation sent via Certified Mail was returned as unclaimed on September 3, 2013; the copy sent via first class mail was not returned.

15. On August 8, 2013, FCC Agents again monitored 95.3 MHz and, using direction finding techniques, confirmed that an unlicensed radio station continued to operate from Apartment 27N at 1370 Saint Nicholas Avenue. FCC Agents determined that the signal strength exceeded that allowed under the FCC rules for non-licensed transmitters by 25,750 times the legal limit for 95.3 MHz. *See Ex. 5.*

16. On December 2, 2013, FCC Agents again monitored the frequency 95.3 MHz and, using direction finding techniques, confirmed that an unlicensed radio station continued to operate from Apartment 27N at 1370 St. Nicholas Avenue. FCC Agents performed field strength measurements and determined that the signal strength exceeded that allowed under the FCC rules for non-licensed transmitters by 24,409 times the legal limit for 95.3 MHz. *See Ex. 8.*

17. That same day, FCC Agents went back to the building and left two copies of the Notice of Unlicensed Operation (“NOUO”) sent by mail on July 30, 2013—one posted on the door of Apartment 27N and another placed under the door of Apartment 27N. *See Ex. 7, 9.*

Investigation Related to 100.1 MHZ

18. On December 27, 2013, the FCC received a complaint regarding a radio station operating at 100.1 MHZ that was interfering with the reception of licensed radio stations. *See* Ex. 10.

19. On January 9, 2014, using direction finding techniques, FCC Agents positively identified the source of the signal on 100.1 MHZ to 1370 St. Nicholas Avenue, Apartment 27N, New York, New York. They observed the antenna located on the balcony of Apartment 27N, and also determined that the signal strength exceeded that allowed under Part 15 of the FCC's rules for non-licensed transmitters. A review of the FCC database revealed that no license had been issued for an FM radio station on 100.1 MHz at 1370 St. Nicholas Ave. New York, New York. FCC Agents went back to the building that day and left a NOUO under the door. *See* Exs. 11, 12.

20. On January 13, 2014, the New York Office issued a NOUO by first class and certified mail to Laisa Polanco at 1370 St. Nicholas Avenue, Apartment 27N, New York, New York, 10033. The NOUO sent via certified mail was returned as unclaimed; the NOUO sent via regular mail was not returned. *See* Ex. 13, 14.

21. On February 20, 2014, FCC Agents again monitored the frequency 100.1 MHz and, using direction finding techniques, confirmed that an unlicensed radio station continued to operate from Apartment 27N at 1370 St. Nicholas Avenue.

CLAIM FOR RELIEF

22. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1 through 17.

23. The Defendant Radio Station Equipment was used, and continues to be used, for illegal, unlicensed radio broadcast in violation of 47 U.S.C. § 301.


24. By reason of the foregoing, the Defendant Radio Station Equipment was, and continues to be, used and possessed with willful and knowing intent to violate 47 U.S.C. § 301, and is therefore subject to forfeiture to the United States under the provisions of 47 U.S.C. § 510.

WHEREFORE, plaintiff the United States of America requests that a warrant of this Court be issued for the arrest of the Defendant Radio Station Equipment; that the Defendant Radio Station Equipment be forfeited and condemned to the use of the United States; and that the plaintiff be awarded its costs and disbursements in the action and such other and further relief as this Court deems just and proper.

Dated: New York, New York
March 10, 2014

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for the United States of America

By:


ARASTU K. CHAUDHURY
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2633
Fax: (212) 637-2750
arastu.chaudhury@usdoj.gov

VERIFICATION

1. I am a Federal Agent holding a position of an Electronics Engineer for the New York Office of the Enforcement Bureau of the Federal Communications Commission (the "FCC").

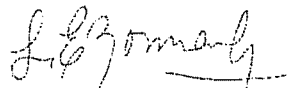
2. I have read the within verified complaint in rem and know the contents thereof.

3. The matters contained in the within verified complaint in rem are true and accurate to the best of my knowledge, information and belief.

4. The source of my information and the grounds for my belief are my personal knowledge, information provided by other FCC agents, and the official files and records of the FCC and other federal agencies.

I declare under penalty of perjury that the foregoing is true, to the best of my knowledge, information, and belief.

Dated: New York, New York
March 11, 2014



Luis Roman, Electronics Engineer
New York Field Office
Enforcement Bureau
Federal Communications Commission

07/24/13 - MDFX8

Agents: Luis Roman & Vincent Bostic

Pirate Investigation: 95.3 MHz

Location: New York, NY

On July 24, 2013 Agents Luis Roman and Vincent Bostic started to scan pirate stations in Bronx, NY.

The station on 95.3 MHz started its transmission at around 5:30 PM.

Agents DFed it to 1370 Saint Nicholas Avenue New York, NY 10033 apartment #27N.

Agents saw the antenna on the balcony of that apartment.

Agents went to the overpass of University Avenue over Cross Bronx Expressway (95 Expy), Bronx, NY and took measurements 77.0, 76.5, 77.7, 76.1 and 76.8 dBuV.

0092/3174

0095:3000

0096:29:9

AFCC

ACC

SDII

SIZE

SDII

MENU

0095:3000

75K

FIM

Stop Sign

AUTO

0092/3174

0095:3000

0096:29:9

AFCC

ACC

SDII

SIZE

SDII

MENU

0095:3000

75K

FIM

Stop Sign

AUTO

0092/3174

0095:3000

0096:29:9

AFCC

ACC

SDII

SIZE

SDII

MENU

0095:3000

75K

FIM

Stop Sign

AUTO

0092/3174

0095:3000

0096:29:9

AFCC

ACC

SDII

SIZE

SDII

MENU

0095:3000

75K

FIM

Stop Sign

AUTO

0092/3174

0095:3000

0096:29:9

AFCC

ACC

SDII

SIZE

SDII

MENU

0095:3000

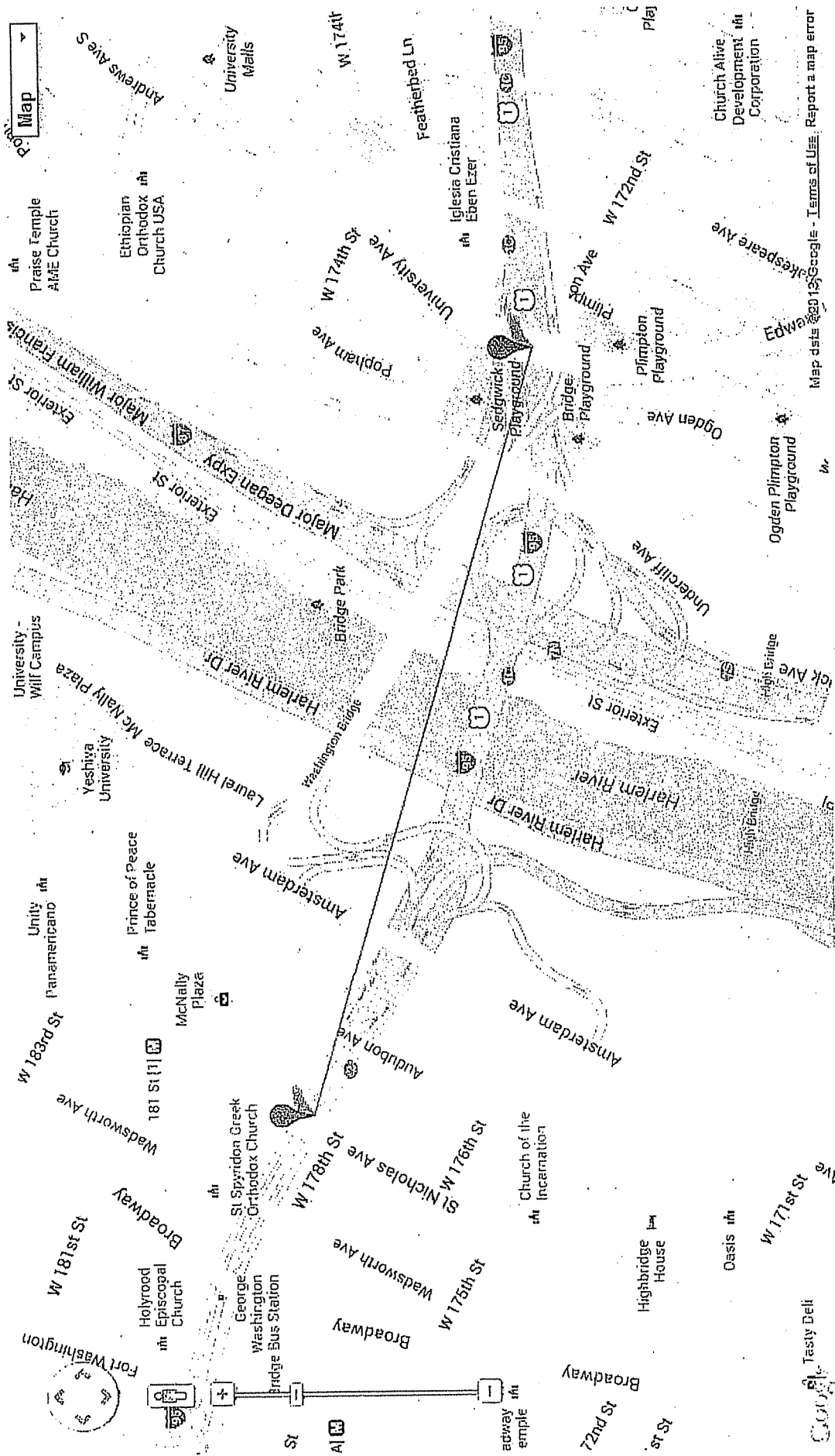
75K

FIM

Stop Sign

AUTO

Use search result as a distance marker? Yes No



✓ Ad muted. Undo

We'll do our best to show you more relevant ads in the future. Help us show you better ads by updating your ads preferences.



Total Distance 3500.007

Miles km Nautical Miles Metres Feet Autopan ?

Map data ©2015 Google - Terms of Use - Report a map error

Potomac FIM-71 and Z-Tecnology R-507 Data Entry Screen

Use this column for entries

Meter Type:	R-507	<< Enter FIM-71 or R-507
Case Name:	Laisa Polanco	
Case number:	B-FIELDNER-13-00010190	
Date:	7/24/2013	
Agents:	LR	
Frequency, MHz:	95.30 MHz	
Cluster 1 measurement:	77 dB μ V	
Cluster 2 measurement:	76.5 dB μ V	
Cluster 3 measurement:	77.7 dB μ V	
Cluster 4 measurement:	76.1 dB μ V	
Cluster 5 measurement:	76.8 dB μ V	
Distance from measurement point to transmitting antenna:	3,500.01 ft.	Distance OK

Frequency is within the 88 - 108 MHz measurement range

Authorized Field Strength at

3 meters is:

250 μ V/Meter

ANTENNA FACTOR db/m

7.5 db/m

Cable Loss

1.5 dB

TOTAL CORRECTION *

9.0 F12 MUST = ANT OFF

* = If above corrections are stored in Z-Meter, and Function 12 = "ON ANT"
then Total Correction = 0 dB/m and Antenna Factor in 'Results' = 1.0

Frequency is within the 88 - 108 MHz measurement range

**AVERAGE OF FIVE CLUSTER MEASUREMENTS WITH R-507
WITH MEASUREMENT ANTENNA AT A 7 FOOT HEIGHT**

Name Laisa Polanco	Case Number EB-FIELDNER-13-00010190	Date 7/24/2013
Data Inside the Box Has Been Entered by the Field Agent. Other Values Are Calculated. Agents: LR		

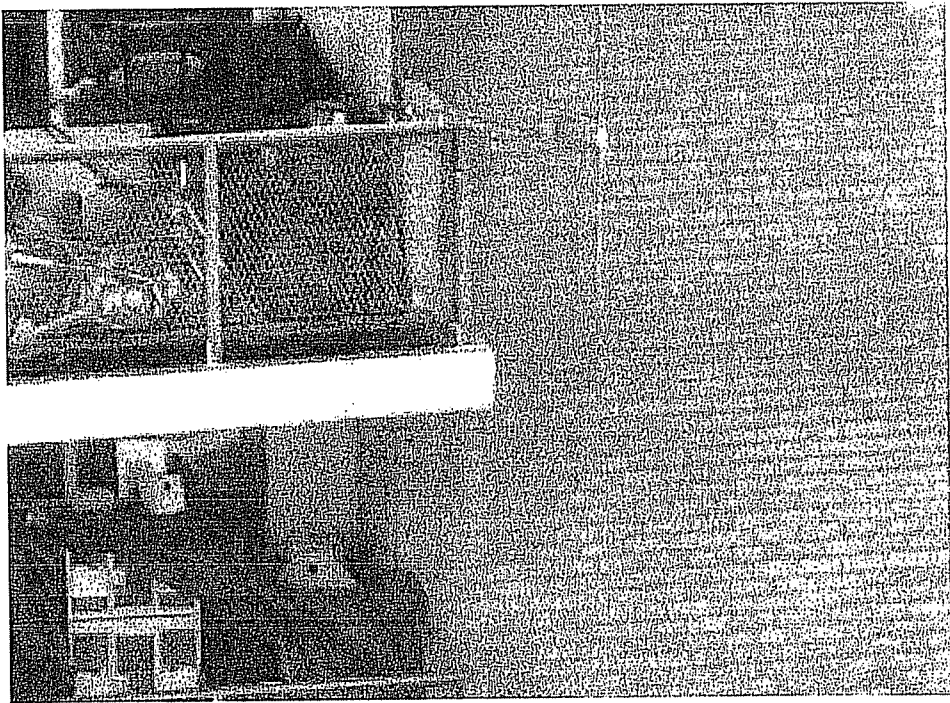
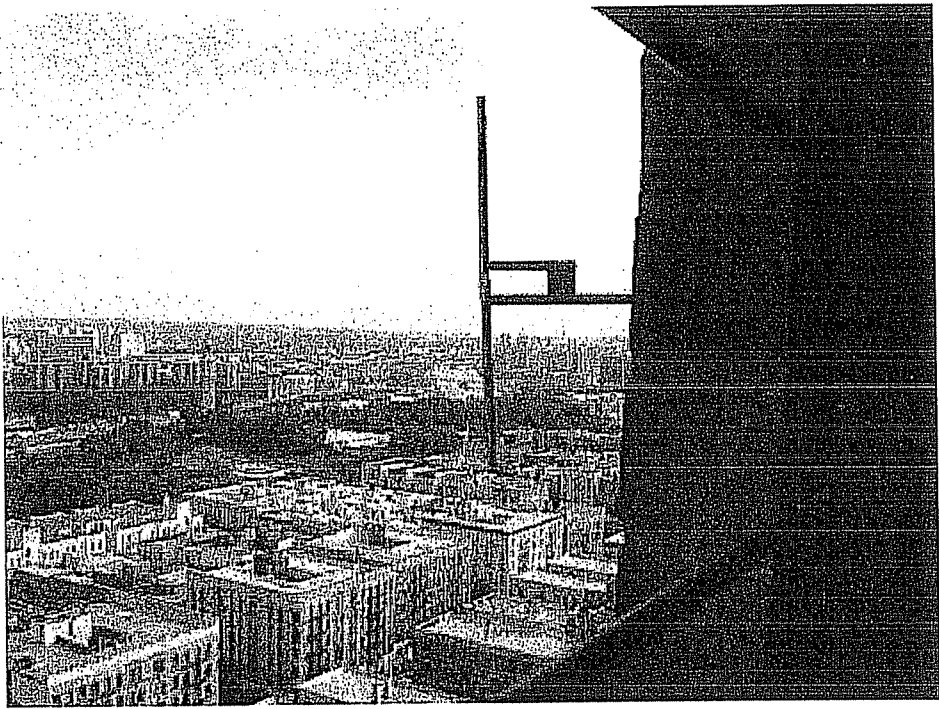
Fundamental Frequency In MHz (valid for 88 to 108 MHz)	Cluster Meter Readings	For F12 = ANT OFF (μ V)
<u>95.30</u>	Reading 1	<u>7079</u>
	Reading 2	<u>6683</u>
	Reading 3	<u>7674</u>
Distance From Antenna In Feet	Reading 4	<u>6383</u>
<u>3,500</u>	Reading 5	<u>6918</u>

Distance OK

Average Cluster Meter Reading (μ V) 6,947	Antenna Factor For Z-Tech 7 Foot Curve From Data Entry Values 2.82	Measured Field Strength (μ V/m) 19,581
Distance From Antenna (meters) 1066.8	Field Strength Extrapolated to 3 Meters (μ V/m) 6,962,908	Field Strength With Accuracy Allowance in Favor of the Subject (μ V/m) 4,600,347
Accuracy (db and decimal) 3.60 1.51	Legal Part 15 Limit At 3 Meters (μ V/m) 250.00	Operation Is X Times Legal Value 27,852

Put this value in the affidavit (Measured values, extrapolated to 3 meters.)	6,962,908 (μV/m) extrapolated
	27,852 times the legal value

Violation Confirmed



3

07/25/13 - Office
Agent: Luis Roman
Pirate Investigation: 95.3 MHz
Location: New York, NY

On July 25, 2013 Agent Luis Roman contacted again by phone the management office of the building at 212-795-9300 and spoke to Elisa who confirmed that the lease of the apartment belongs to Laisa Polanco. This is the same person that had the lease previously when investigating the station a year ago.



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
201 Varick Street, Suite 1151, New York, NY 10014-4870
TEL: (212) 337-1865 FAX: (212) 620-3718

FAX TRANSMISSION

TO: Jackie
Management office of:
1370 St Nicholas Ave.
New York, NY 10033
Fax: (212)795-9636

FROM: Luis Román
FCC - Enforcement Bureau – New York Office

DATE: June 19, 2012

Hi Jackie according to our earlier conversation on the phone I am sending you this fax with our request.

The FCC is conducting a Federal Government investigation.
We need the name of the people who lease the following apartments at:
1370 ST NICHOLAS AVE
NEW YORK, NY 10033
Apartments: [REDACTED] 27N [REDACTED]

Thanks, for your cooperation.

Luis Román
Electronics Engineer
Federal Communications Commission
201 Varick Street
Suite 1151
New York, NY 10014
212-337-1564
luis.roman@fcc.gov

Non-Public Information
IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL
(212) 337-1865.



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
201 Varick Street, Suite 1151, New York, NY 10014-4870
TEL: (212) 337-1865 FAX: (212) 820-3718

FAX TRANSMISSION

To: From:

Jackie
Management office of:
1370 St Nicholas Ave.
New York, NY 10033
Fax: (212)795-9636

~~FROM:~~

Luis Román
FCC - Enforcement Bureau - New York Office

TO:

DATE: June 19, 2012

Hi Jackie according to our earlier conversation on the phone I am sending you this fax with our request.

The FCC is conducting a Federal Government investigation.
We need the name of the people who lease the following apartments at:
1370 ST NICHOLAS AVE
NEW YORK, NY 10033
Apartments: [REDACTED] 27N [REDACTED]

Thanks, for your cooperation.

Luis Román
Electronics Engineer
Federal Communications Commission
201 Varick Street
Suite 1151
New York, NY 10014
212-337-1564
luis.roman@fcc.gov

Non-Public Information
IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL

TOTAL P.002

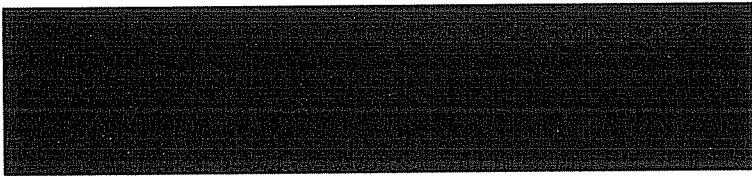
JUN. 20. 2012 9:42AM

No. 5239 P. 1

1370 St. Nicholas Avenue



27N Polanco, Laisa





**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION**

New York Office
201 Varick Street, Suite 1151
New York, New York 10014

July 30, 2013

Laisa Polanco
New York, New York

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDNER-13-00010190
Document Number: W2013323800053

The New York Office received information that an unlicensed broadcast radio station on 95.3 MHz was allegedly operating in New York, New York. On July 24, 2013, agents from this office confirmed by direction finding techniques that radio signals on frequency 95.3 MHz were emanating from your residence in New York, New York. The Commission's records show that no license was issued for operation of a broadcast station on 95.3 MHz at this location in New York, New York.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. 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, 47 C.F.R. §§ 15.1 *et seq.* The field strength of the signal on frequency 95.3 MHz was measured at 6,962,908 microvolts per meter ($\mu\text{V}/\text{m}$) at 3 meters, which exceeded the maximum permitted level of 250 $\mu\text{V}/\text{m}$ at 3 meters for non-licensed devices. Thus, this station is operating in violation of 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. (See 47 U.S.C. §§ 401, 501, 503 and 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 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 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.

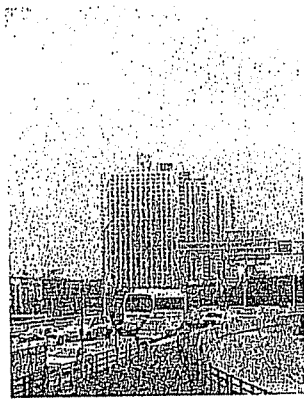
Stephen Maguire
District Director
New York Office

Attachments:

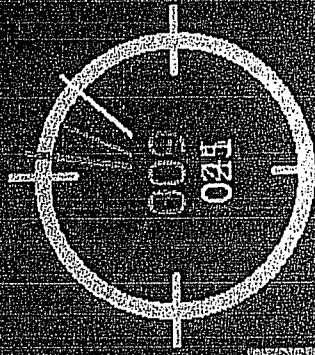
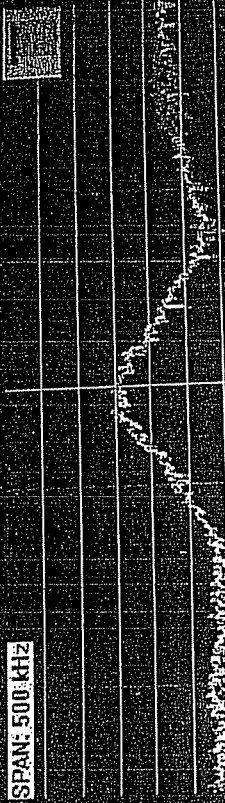
Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005

08/08/13 - MDFX8
Agent: Luis Roman
Pirate Investigation: 95.3 MHz
Location: New York, NY

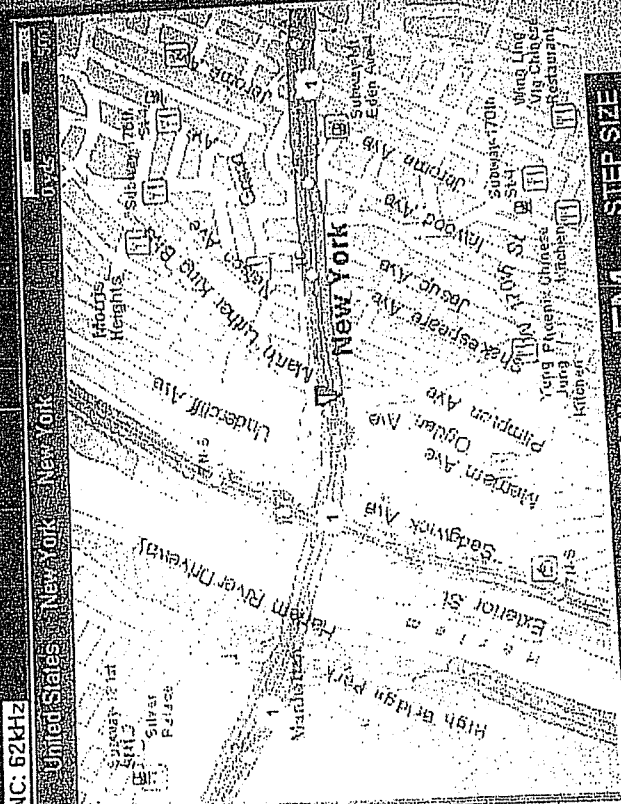
On August 08, 2013 Agents Luis Roman monitored the station and it was operating out of same location at 1370 Saint Nicholas Avenue New York, NY 10033 apartment #27N. Agent LR went to the overpass of University Avenue over Cross Bronx Expressway (95 Expy), Bronx, NY and took measurements, 75.0, 76.3, 77.4, 75.8 and 76.1 dBuV.



TEANAK



HEADING SRC: VEC 200
08/08/2013 16:53:45



0095.300 75k FM STEP SIZE AUTO
RX: 04:5:23

MODULATOR AMPLIFIER	MINIMIZE HDX
MENU	DEL LST BNG
HISTOGRAM	MAP
MISSION	CLEAR BEARINGS
CAPTURE	ZOOM OUT
	ZOOM IN

Potomac FIM-71 and Z-Tecnology R-507 Data Entry Screen

Use this column for entries

Meter Type:	R-507	<< Enter FIM-71 or R-507
Case Name:	Laisa Polanco	
Case number:	B-FIELDNER-13-00010190	
Date:	8/8/2013	
Agents:	LR	
Frequency, MHz:	95.30 MHz	
Cluster 1 measurement:	75 dB μ V	
Cluster 2 measurement:	76.3 dB μ V	
Cluster 3 measurement:	77.4 dB μ V	
Cluster 4 measurement:	75.8 dB μ V	
Cluster 5 measurement:	76.1 dB μ V	
Distance from measurement point to transmitting antenna:	3,500.01	ft. Distance OK

Frequency is within the 88 - 108 MHz measurement range

Authorized Field Strength at
3 meters is:

250 μ V/Meter

ANTENNA FACTOR db/m

7.5 db/m

Cable Loss

1.5 dB

TOTAL CORRECTION *

9.0

F12 MUST = ANT OFF

* = If above corrections are stored in Z-Meter, and Function 12 = "ON ANT"
then Total Correction = 0 dB/m and Antenna Factor in 'Results' = 1.0

Frequency is within the 88 - 108 MHz measurement range

**AVERAGE OF FIVE CLUSTER MEASUREMENTS WITH R-507
WITH MEASUREMENT ANTENNA AT A 7 FOOT HEIGHT**

Name Laisa Polanco	Case Number EB-FIELDNER-13-00010190	Date 8/8/2013
Data Inside the Box Has Been Entered by the Field Agent. Other Values Are Calculated. Agents: LR		

Fundamental Frequency In MHz (valid for 88 to 108 MHz)	Cluster Meter Readings	For F12 = ANT OFF (μ V)
<u>95.30</u>	Reading 1	<u>5623</u>
	Reading 2	<u>6531</u>
Distance From Antenna in Feet	Reading 3	<u>7413</u>
<u>3,500</u>	Reading 4	<u>6166</u>
	Reading 5	<u>6383</u>

Distance OK

Average Cluster Meter Reading (μ V) 6,423	Antenna Factor For Z-Tech 7 Foot Curve From Data Entry Values 2.82	Measured Field Strength (μ V/m) 18,103
Distance From Antenna (meters) 1066.8	Field Strength Extrapolated to 3 Meters (μ V/m) 6,437,534	Field Strength With Accuracy Allowance in Favor of the Subject (μ V/m) 4,253,237
Accuracy (db and decimal) 3.60 1.51	Legal Part 15 Limit At 3 Meters (μ V/m) 250.00	Operation Is X Times Legal Value 25,750

Put this value in the affidavit (Measured values, extrapolated to 3 meters.)	6,437,534 (μV/m) extrapolated
	25,750 times the legal value

Violation Confirmed

6

notes 120213.txt

12/02/13 - MDFX8

Agents: Stephen Maguire & Luis Roman

Pirate Investigation: 95.3 MHz

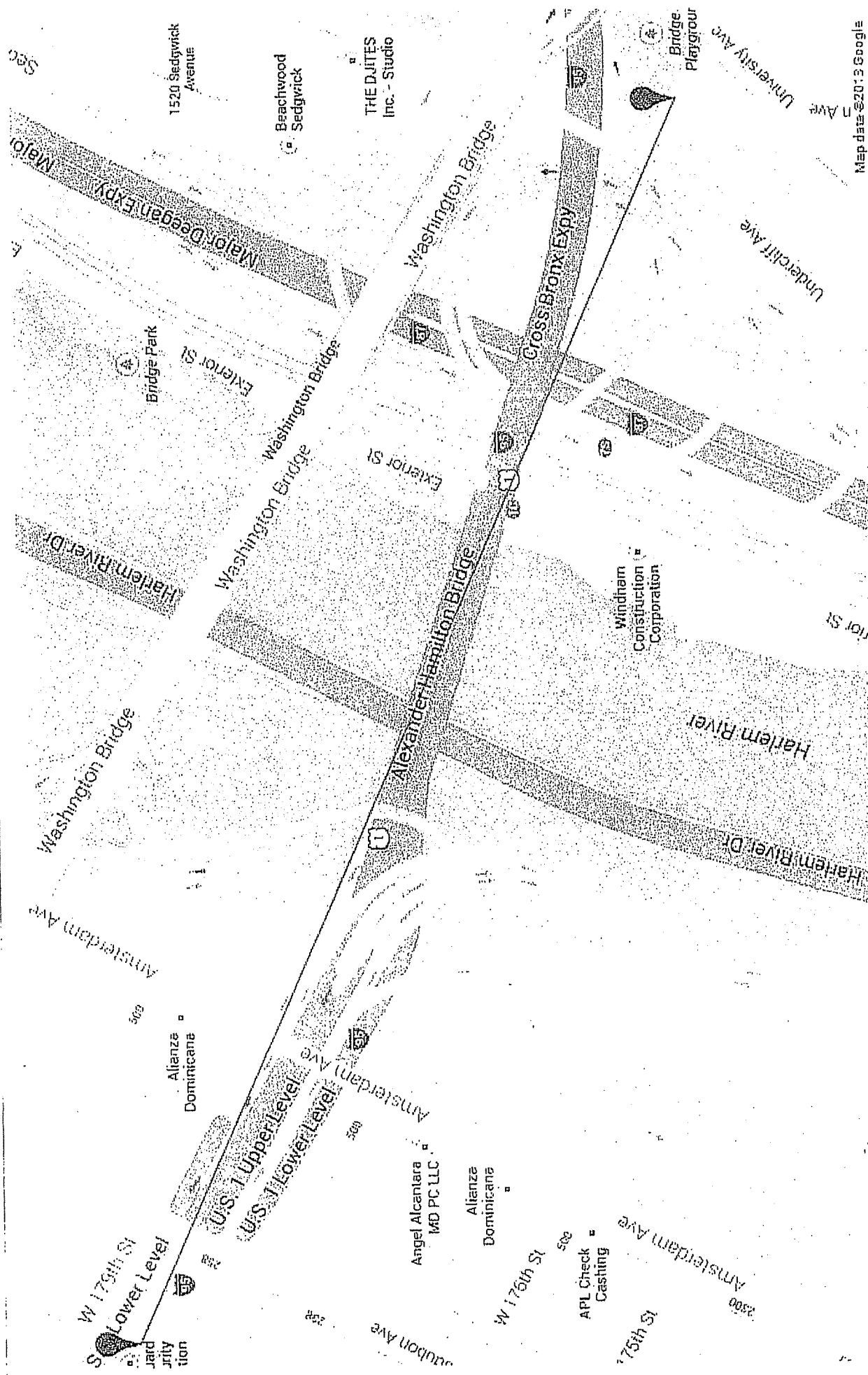
Location: New York, NY

On December 02, 2013 Agents Stephen Maguire and Luis Roman went to the location at 1370 Saint Nicholas Avenue New York, NY 10033 and observed that the antenna was still on the balcony of apartment #27N at the same position previously observed.

Agents monitored the station and it started to operate at 5:00 pm.


Agents went to 47 Boscobel Place, Bronx, NY 10452 and took measurements: 77.9, 76.9, 78.8, 74.7, 76.8 dBuV.

Agents went back to the building to the entrance door of the #27N apartment and left two Hand NOUs one posted on the door and another one under the door.



Map data ©2013 Google

HOW DO YOU FEED THE PLANET?
CREATE A BETTER GROWING ENVIRONMENT.
AgriSource - Solutions from Case IH



LEARN MORE

Total Distance: 2967.152 Miles km Nautical Miles Metres Feet Autopan ?

Potomac FIM-71 and Z-Tecnology R-507 Data Entry Screen

Use this column for entries

Meter Type:	R-507	<< Enter FIM-71 or R-507
Case Name:	Laisa Polanco	
Case number:	EB-FIELDNER-12-00003634	
Date:	12/2/2013	
Agents:	LR	
Frequency, MHz:	95.30 MHz	
Cluster 1 measurement:	77.9 dB μ V	
Cluster 2 measurement:	76.9 dB μ V	
Cluster 3 measurement:	78.8 dB μ V	
Cluster 4 measurement:	74.7 dB μ V	
Cluster 5 measurement:	76.8 dB μ V	
Distance from measurement point to transmitting antenna:	2967.152 ft.	Distance OK

Frequency is within the 88 - 108 MHz measurement range

Authorized Field Strength at

3 meters is:

250 μ V/Meter

ANTENNA FACTOR db/m

7.5 db/m

Cable Loss

1.5 dB

TOTAL CORRECTION *

9.0 F12 MUST = ANT OFF

* = If above corrections are stored in Z-Meter, and Function 12 = "ON ANT"
then Total Correction = 0 dB/m and Antenna Factor in 'Results' = 1.0

Frequency is within the 88 - 108 MHz measurement range

**AVERAGE OF FIVE CLUSTER MEASUREMENTS WITH R-507
WITH MEASUREMENT ANTENNA AT A 7 FOOT HEIGHT**

Name Laisa Polanco **Case Number** EB-FIELDNER-12-00003634 **Date** 12/2/2013

Data Inside the Box Has Been Entered by the Field Agent. Other Values Are Calculated. Agents: LR

Fundamental Frequency In MHz (valid for 88 to 108 MHz)	Cluster Meter Readings	For F12 = ANT OFF (μV)
<u>95.30</u>	Reading 1	<u>7852</u>
	Reading 2	<u>6998</u>
	Reading 3	<u>8710</u>
Distance From Antenna in Feet	Reading 4	<u>5433</u>
<u>2.967</u>	Reading 5	<u>6918</u>

Distance OK

Average Cluster Meter Reading (μV) 7,182	Antenna Factor For Z-Tech 7 Foot Curve From Data Entry Values 2.82	Measured Field Strength ($\mu V/m$) 20,242
Distance From Antenna (meters) 904.4	Field Strength Extrapolated to 3 Meters ($\mu V/m$) 6,102,302	Field Strength With Accuracy Allowance in Favor of the Subject ($\mu V/m$) 4,031,751
Accuracy (db and decimal) 3.60 1.51	Legal Part 15 Limit At 3 Meters ($\mu V/m$) 250.00	Operation Is X Times Legal Value 24,409

Put this value in the affidavit (Measured values, extrapolated to 3 meters.)	6,102,302 ($\mu V/m$) extrapolated 24,409 times the legal value
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Violation Confirmed

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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5408 S. UNIVERSITY AVENUE
CHICAGO, ILL. 60637
TEL. 773-835-3200

MEMORANDUM FOR THE RECORD
DATE: 10/15/77
BY: [Signature]

1. [Illegible text]

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99. [Illegible text]

100. [Illegible text]

User Complaint Key: 13-C00550437-1

Form 2000E – Media (General) Complaint

Consumer's Information:

First Name: [REDACTED] Last Name: [REDACTED]

Company Name:

(Complete only if you are filing this complaint on behalf of a company or an organization.)

Post Office Box Number:
(Official Post Office box Number Only)

Address 1: [REDACTED] Address2:
Mailing Address (where mail is delivered)

City: [REDACTED] State: [REDACTED]

Telephone Number (Residential or Business): **Phone:(973) 575 - 5400 Ext:153**

E-mail Address: [REDACTED]

***** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT *****

1. What is the name of the company that is the subject of your complaint? : **Unknown**

2. If your complaint is about a radio or television station, provide the following information:
 - a. Station call sign (e.g., "KDID," "WZUF," "KDIU-FM," "WZUE-TV"): **Unknown**
 - b. Radio station frequency (e.g., "1020" or "88.5"): **100.1**
or TV channel (e.g., "13"):
 - c. Station location: City: **New York City** State: **NY**

3. If you are complaining about a cable or satellite operator (e.g., Comcast, Time Warner, DirecTV), provide the following information:
 - a. Operator name: **n/a**
 - b. Operator location: City: State:

4. If you are complaining about a particular program, provide the following information:
 - a. Network:
 - b. Program name:
 - c. Date of program (mm/dd/yyyy):

5. Provide the details of your complaint, including the time, date and nature of any conduct or activity complained of and identifying information for companies, institutions or individuals involved (if not

User Complaint Key: 13-C00550437-1

Form 2000E – Media (General) Complaint

***** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT *****

already described above):

a. Date (mm/dd/yyyy): **12/27/2013 08:00:00 AM**

b. **I drive over the George Washington Bridge to and from work every day. When I approach the bridge, there is a station, which seems to broadcast spanish themed music using the frequency 100.1, that interferes with stations such as 100.3 and others near that range, for about 1/2 mile nearing and leaving the the intersection of W 179TH STREET and Audubon AVE. in New York City. I assume it's a pirate stations as the nearest station I can find online using 100.1 is in Woodstock, NY, which we are not able to hear in NYC. This has been happening over a month now.**

You may submit this form over the Internet at <http://www.fcc.gov/cgb/complaints.html>, by e-mail to fccinfo@fcc.gov, by fax to 1-866-418-0232, or by postal mail to:

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Complaints
445 12th Street, SW
Washington, D.C. 20554

In addition, you may submit your complaint over the telephone by calling 1-888-CALL-FCC or 1-888-TELL-FCC (TTY). If you choose to submit your complaint over the telephone, an FCC customer service representative will fill out an electronic version of the form for you during your conversation. If you have any questions, feel free to contact the FCC at 1-888-CALL-FCC or 1-888-TELL-FCC (TTY).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT AND THE PRIVACY ACT

The Federal Communications Commission is authorized under the Communications Act of 1934, as amended, to collect the personal information that we request in this form. This form is used for complaints that involve media (general). The public reporting for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, OMD-PERF, Paperwork Reduction Project (3060-0874), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR COMPLETED FORMS TO THIS ADDRESS.

Remember - You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0874.

User Complaint Key: 13-C00550437-1

Form 2000E – Media (General) Complaint

***** ANSWER EACH QUESTION THAT APPLIES TO YOUR SPECIFIC COMPLAINT *****

In addition, the information that consumers provide when filling out FCC Form 2000 is covered by the system of records notice, FCC/CGB-1, Informal Complaints and Inquiries File (Broadcast, Common Carrier, and Wireless Telecommunications Bureau Radio Services). The Commission is authorized to request this information from consumers under 47 U.S.C. 206, 208, 301, 303, 309(e), 312, 362, 364, 386, 507, and 51; and 47 CFR 1.711 et seq.

Under this system of records notice, FCC/CGB-1, the FCC may disclose information that consumers provide as follows: when a record in this system involves a complaint against a common carrier, the complaint is forwarded to the defendant carrier who must, within a prescribed time frame, either satisfy the complaint or explain to the Commission and the complainant its failure to do so; where there is an indication of a violation or potential violation of a statute, regulation, rule, or order, records from this system may be referred to the appropriate Federal, state, or local agency responsible for investigating or prosecuting a violation or for enforcing or implementing the statute, rule, regulation, or order; a record from this system may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit; a record on an individual in this system of records may be disclosed, where pertinent, in any legal proceeding to which the Commission is a party before a court or administrative body; a record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body when: (a) the United States, the Commission, a component of the Commission, or, when represented by the government, an employee of the Commission is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Commission determines that the disclosure is relevant or necessary to the litigation; a record on an individual in this system of records may be disclosed to a Congressional office in response to an inquiry the individual has made to the Congressional office; a record from this system of records may be disclosed to GSA and NARA for the purpose of records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall not be used to make a determination about individuals.

In each of these cases, the FCC will determine whether disclosure of the information in this system of records notice is compatible with the purpose for which the records were collected. Furthermore, information in this system of records notice is available for public inspection after redaction of information that could identify the complainant or correspondent, i.e., name, address and/or telephone number.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507 AND THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. SECTION 552a(e)(3).

January 9, 2014

FCC Agents: Luis Salazar / Steve Maguire.

Unauthorized Investigation: 100.1 MHz

Station Location:

1370 St. Nicholas Ave, New York, NY
Dpt 27N 10033

Broadcast Observation:

Station came on at 4:00 P.M.

Measurements At:

558 W 177th St.

Meter Z-tech / Scale dBuV

① 58.9 ② 61.7 ③ 61.5 ④ 63.7 ⑤ 63.4

Antenna on the balcony of Dpt 27N

Hand-written NOVO left under the door.

Agents took digital photographs of
the antenna.

[Signature]



Ruler

Line Path Pro

Measure the distance between two points on the ground

Map Length: 448.23 Feet

Ground Length: 448.23

Heading: 182.73 degrees

Mouse Navigation

Save Clear

1370 St Nicholas Ave, New York, NY 10033, USA

558 W 177th St, New York, NY 10033, USA

Google Earth

Frequency is within the 88 - 108 MHz measurement range

AVERAGE OF FIVE CLUSTER MEASUREMENTS WITH R-507 WITH MEASUREMENT ANTENNA AT A 7 FOOT HEIGHT

Name
Laisa Polanco

Case Number
EB-NER-14-00013061

Date
1/9/2014
Luis Salazar

Data Inside the Box Has Been Entered by the Field Agent. Other Values Are Calculated. Agents:

Fundamental Frequency In MHz (valid for 88 to 108 MHz)	Cluster Meter Readings	For F12 = ANT OFF (μV)
<u>100.10</u>	Reading 1	<u>881</u>
	Reading 2	<u>1216</u>
Distance From Antenna in Feet	Reading 3	<u>1189</u>
448	Reading 4	<u>1531</u>
	Reading 5	<u>1479</u>

Distance OK

Average Cluster Meter
Reading
(μV)
1,259

Antenna Factor
For Z-Tech 7 Foot Curve
From Data Entry Values
2.37

Measured Field
Strength
($\mu\text{V}/\text{m}$)
2,986

Distance From
Antenna
(meters)
136.6

Field Strength
Extrapolated to 3 Meters
($\mu\text{V}/\text{m}$)
135,913

Field Strength With Accuracy
Allowance in Favor of the Subject
($\mu\text{V}/\text{m}$)
89,797

Accuracy
(db and decimal)
3.60
1.51

Legal Part 15 Limit
At 3 Meters
($\mu\text{V}/\text{m}$)
250.00

Operation Is
X
Times Legal Value
544

Put this value in the affidavit

135,913 ($\mu\text{V}/\text{m}$) extrapolated

(Measured values,
extrapolated to 3 meters.)

544 times the legal value

Violation Confirmed



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU

Eastern Region
New York Office

201 Varick Street, Suite 1151
New York, New York 10014

212-337-1865

HAND DELIVERED

At: 1370 St. Nicholas Ave.
New York, NY 10033
APT 27N

Date: 1/9/2014

RE: NOTICE OF UNLICENSED RADIO OPERATION

To: Laura Polanco

On 1/9/2014, agents of the Federal Communications Commission ("FCC") noted the following conditions regarding the radio station located at 1370 St. Nicholas Ave, New York, NY 10033, Apt 27N

Your refusal 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 100.1 MHz was not in evidence at the time of attempted inspection. Operation of a radio 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 or mode of operation 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 100.1 MHz were taken and were found to exceed the allowable limits established in Part 15. Thus, your 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(are) 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 radio 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 operator to the severe penalties provided, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (see 47 U.S.C. §§ 401, 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 to this letter with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address listed in the letterhead. 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 may disclose in your reply.

When delivered in person, this notice must be acknowledged.

Signing for this document is not an admission of guilt.

LS

Issuing Agent
Federal Communications Commission
New York Office

Received by _____ Date _____



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
Northeast Region

New York Office
201 Varick Street, Suite 1151
New York, New York 10014

January 13, 2014

Laisa Polanco
New York, New York

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDNER-14-00013061
Document Number: W201432380002

The New York Office received information that an unlicensed broadcast radio station on 100.1 MHz was allegedly operating in New York, New York. On January 9, 2014, agents from this office confirmed by direction finding techniques that radio signals on frequency 100.1 MHz were emanating from your residence in New York, New York. The Commission's records show that no license was issued for operation of a broadcast station on 100.1 MHz at this location in New York, New York.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. 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, 47 C.F.R. §§ 15.1 *et seq.* The field strength of the signal on frequency 100.1 MHz was measured at 135,913 microvolts per meter ($\mu\text{V}/\text{m}$) at 137 meters, which exceeded the maximum permitted level of 250 $\mu\text{V}/\text{m}$ at 3 meters for non-licensed devices. Thus, this station is operating in violation of 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. (*see* 47 U.S.C. §§ 401, 501, 503 and 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 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 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.

Stephen Maguire
District Director
New York Office

Attachments:

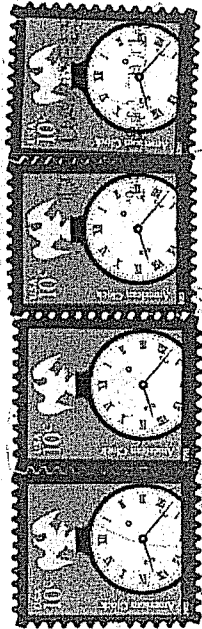
Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005

Federal Communications Commission
Enforcement Bureau
201 Varick Street Suite 1151
New York, New York 10014-7046

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS FOLD AT DOTTED LINE
CERTIFIED MAIL



7013 0600 0001 6796 7755



RETURN RECEIPT
REQUESTED

Laisa Polanco
1370 Saint Nicholas Avenue
Apt: 27N

New York, NY 10033 1009 0002/18/14

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 10014481199 *1736-01882-14-40

1001404811
1003362

Handwritten signature and date: 12/19

February 20, 2014

FCC Agents: Luis Salazar / Steve Maguire

Unauthorized Investigation: 100.1 MHz

Station Location:

1370 St. Nicholas Ave. New York,
Dpt 27N NY 10033

Broadcast Observations:

Station came on at 9:00 P.M.

Antenna on the balcony of
Dpt 27N.

[Signature]