



FEDERAL COMMUNICATIONS COMMISSION
Enforcement Bureau
Spectrum Enforcement Division
1270 Fairfield Road
Gettysburg, Pennsylvania 17325-7245

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 1, 2007

James L. McCurry
1139 Mary's Church Road
Cherryville, NC 28021

SUBJECT: Amateur Radio license K4EDK; Case #EB-2007-3036

Dear Mr. McCurry:

Enclosed is a complaint regarding the operation of your station on and around 3.923 MHz. The complaint alleges extremely poor signal quality and "splattering" apparently caused by improper adjustments or a defective gain control and unnecessary use of a power amplifier. Information indicates that you have declined to act upon complaints made to you about this problem.

Section 308(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 308(b), gives the Commission the authority to obtain information from applicants and licensees about the operation of their station and their qualifications to remain a licensee. Accordingly, you are requested to respond to this office within 20 days of receipt of this letter fully addressing the enclosed complaint, **and furnishing the following information:**

1. Describe all transmitting equipment used at your station, including amplifiers. Include model numbers.
2. Section 97.313 of the Commission's rules, 47 C.F.R. § 97.313, requires Amateur stations to use the minimum power necessary to carry out the desired communications. Describe the circumstances in which you use amplifiers on 75 Meters.
3. Section 97.307 of the Commission's rules, 47 C.F.R. § 97.307, states that no Amateur station shall occupy more bandwidth than necessary for the information rate and emission type being transmitted, in accordance with good amateur practice. Have you received written or verbal complaints concerning signal quality or "splattering"? If so, describe the complaints and state what, if any, action you took as a result.

You are directed to support your response with a signed and dated affidavit or declaration under penalty of perjury, verifying the truth and accuracy of the information submitted in your response.

To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment. *See* 18 U.S.C. § 1001; *see also* 47 C.F.R. § 1.17 (copy enclosed). Failure to respond appropriately to this letter of inquiry may constitute a violation of the

Communications Act and our rules.¹

In an inquiry of this type we are required to notify you that under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), the Commission's staff will use all relevant information before it, including information that you disclose in your reply, to determine what, if any, enforcement action is warranted in this matter. Such action may include license revocation, suspension of your operator privileges, or monetary forfeiture (fine).

Please contact me at 717-338-2502 if you have any questions about this matter.

Sincerely,

W. Riley Hollingsworth
Special Counsel

Enclosure

cc: FCC South Central Regional Director

¹ See *SBC Communications, Inc.*, 17 FCC Rcd 7589 (2002); *Globcom, Inc.*, 18 FCC Rcd 19893, n. 36 (2003). *forfeiture ordered*, 21 FCC Rcd 4710 (2006); *World Communications Satellite Systems, Inc.*, 19 FCC Rcd 2718 (Enf. Bur. 2004); *Donald W. Kaminski, Jr.*, 18 FCC Rcd 26065 (Enf. Bur. 2003).