



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

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

April 3, 2007

Kevin M. Bednar
99B Water Street
Newton, NJ 07860-1810

RE: Amateur license K2KMB repeater operations; Case #EB-2007-2973

Dear Mr. Bednar:

Enclosed is a complaint from the licensee of coordinated repeater system K2AX concerning your repeater operation. You acknowledged in recent communications with this office that your repeater is operating on 145.150 MHz without coordination, and that you have declined to apply for coordination with the coordinator for your area. While it is true that coordination is not required, Section 97.205(c) of the Commission's rules states that where there is interference between an uncoordinated repeater and a coordinated repeater, **the uncoordinated repeater bears the primary responsibility to correct the interference.**

Section 308(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 308(b), gives the Commission the authority to request information from a licensee regarding the operation of a radio station. Accordingly, you are requested to respond to this letter within 20 days from the above date stating in detail what action you are taking to prevent interference to the K2AX repeater.

In an inquiry of this type we are required to advise you that Congress has made punishable a willfully false or misleading reply. See Title 18, Section 1001 of the *United States Code*. The information you submit will be used to determine what, if any, action to take in this matter.

We note also that your repeater identifies regularly and makes regular references to your web site even when there is no traffic being carried. All frequencies in the Amateur service are shared, and such announcements constitute broadcasting. Please see Section 97.113(b) of the Commission's rules.

Sincerely,

W. Riley Hollingsworth
Special Counsel

Enclosure
cc: Northeastern Regional Director, FCC