



FEDERAL COMMUNICATIONS COMMISSION

**Enforcement Bureau
Spectrum Enforcement Division
1270 Fairfield Road
Gettysburg, Pennsylvania 17325-7245**

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

July 9, 2007

John C. Kimbrough
597 Foxfire Court
Murfreesboro, TN 37129

**SUBJECT: WARNING NOTICE and NOTIFICATION OF REMOVAL OF AUTOMATIC
CONTROL PRIVILEGES: WR3S REPEATER OPERATION
Case #EB-2007-3018**

Dear Mr. Kimbrough:

By letter dated April 10, 2007, we notified you that monitoring information before the Enforcement Bureau indicated that on various dates in March 2007, your repeater stations operated without proper control and re-broadcast portions of commercial TV programming and music, contrary to the Commission's rules regarding the Amateur Radio Service. The monitoring information also shows that operators on your system failed to identify properly and used false call signs.

Our letter warned you that the Commission requires that repeaters be under the supervision of a control operator and not only expects, but requires, control operators to be responsible for the proper operation of the repeater system. Control operators must take whatever steps are appropriate to ensure compliance with the rules, including limiting the repeater use to certain users, converting the repeater to a closed repeater or taking it off the air entirely. Repeater bearing your call sign are your responsibility. Your decision to operate repeaters was a voluntary one and you are responsible for any rule violations occurring on those repeaters. Finally our letter requested detailed information from you about the operation and configuration of your repeaters.

The information you provided to the Commission apparently indicates that you are operating 12 repeaters under your call sign, on the following frequencies: 145.170, 145.370; 146.955, 147.360, 223.960, 224.160, 224.360, 224.560, 224.620, 224.660, 224.760, and 224.980 MHz, and that you have used at least ten control operators. The rebroadcast of commercial programming, improper identification and lack of identification by end users, and your own transmissions over your repeater that can be reasonably be interpreted as threats to complainants, indicate your inability or unwillingness to control your own repeater stations. **Furthermore, the failure of all ten of your control operators to prevent or eliminate these violations is inexcusable, especially in view of the wide scale linking of these repeaters.**

You will shortly receive a directive from the Atlanta office of the Commission removing the automatic control privileges of your repeater systems, pursuant to Section 97.109(d) of the Commission's rules, 47 C.F.R. § 97.109(d). This means that you may not operate ANY repeater stations under your call sign unless you are the control operator and at the control point at all times to make certain that Commission rules are being followed and that no interference is

occurring. When you are unable to function as the control operator of the stations identifying with your call sign, they may not transmit.

Finally, failure to control stations bearing your call sign, or any communications over your repeaters not complying with Commission rules, will result in enforcement action against your license. That enforcement action may include a forfeiture (fine) or revocation and suspension of your Amateur license, or modification of your Amateur license to remove voice privileges. Any threats, direct or indirect, made to complainants or perceived complainants over your repeaters by your users, will result in revocation proceedings against your Amateur license.

We remind you again that establishing a repeater station is a voluntary decision, and that such stations are no different from any other Amateur station in regard to obligations presented by the Commission's rules regarding the Amateur Service, nor do they confer any additional privileges.

Finally, the information you submitted conflicts with the records of the regional frequency coordinator, and it is not clear which repeaters operate with your call sign as the identifier, and which repeaters identify with other call signs but list you as trustee. We strongly recommend that you review the number of repeaters you are attempting to manage and operate, and that you make sure your actual repeater operations conform to the regional frequency coordinator's records.

Sincerely,

W. Riley Hollingsworth
Special Counsel

cc: FCC South Central Regional Director