



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

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 29, 2007

Oscar Resto
P. O. Box 22756
San Juan, PR 00931-2756

RE: Amateur license KP4RF repeater operations; Case #EB-2007-2986

Dear Mr. Resto:

On February 14, 2007, we forwarded to you a complaint from the Puerto Rico Virgin Islands Volunteer Frequency Coordinators, Inc., (PRVI) concerning interference from your station operating on 145.450 MHz to coordinated repeater KP4IA, operating on 144.770 MHz. The interference problem apparently results from mixing of your output signal. Our February 14, 2007 letter notified you that as a result, you are responsible for correcting the interference problem your repeater is coordinated. PVRI has found and coordinated another frequency pair for you that would cure the present interference problem as well as another interference situation involving other coordinated repeater stations.

In your response dated March 25, 2007, you detailed an interference problem with the complainant that occurred fifteen years ago. You also stated that the receiver used by the complainant is a low cost unit without proper front-end RF protection. You offered to: 1) install a repeater at your site operating on the same frequency as the complainant and using the complainant's call sign, to demonstrate that the interference will not occur; 2) repair the complainant's receiver; or 3) exchange the receiver at no cost. Complainant denies that he is using a low cost receiver and states that he has upgraded his equipment but is still receiving the interference from your station. The interference problem you describe occurring fifteen years ago is not relevant to the present problem.

Frequency coordinations are recommendations for the most useful frequencies for a given area and are not licenses, frequency allocations or assignments of any kind. The Commission relies upon frequency coordinators to recommend the best use of frequencies and thereby minimize interference problems for which the Commission is called upon to resolve. Section 97.101(b) of the Commission's rules, 47 C.F.R. § 97.101(b), provides that "each station licensee and each control operator must cooperate in selecting transmitting channels and in making the most effective use of the Amateur service frequencies." Section 97.101(d), 47 C.F.R. § 101(d), states that "no amateur operator shall willfully or maliciously interfere with or cause interference to any radio station or signal."

Accordingly, we request that you either resolve the interference problem through the remedies you propose or comply with the frequency coordinator's recommended frequency change by midnight July 1, 2007. Failure to do either will result in the loss of automatic control privileges pursuant to Section 97.109 of the Commission's rules, 47 C.F.R. § 97.109. That section states that automatic control must cease upon notification by the EIC (now District Director) that the station is transmitting improperly or causing harmful interference to other stations, and that automatic control must not be

resumed without prior approval of the District Director. Please note that losing the automatic control privilege will require you to have a control operator present at the transmitter or control point every time your repeater transmits in order to make certain that the complainant's station is not transmitting. In the absence of a control operator, your station would have to shut down.

Pursuant to Section 308(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 308(b), you are requested to respond to this letter within 60 days from receipt indicating what action you intend to take to solve the signal mixing problem and prevent the resulting interference to the KP4IA repeater. Should you take no action, you will receive a letter removing your automatic control privileges and requesting that you furnish a list of control operators and their duty schedules.

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

Sincerely,

W. Riley Hollingsworth
Special Counsel

cc: FCC South Central Regional Director