



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

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

June 1, 2007

Mark F. Hubeny
2808 Main Avenue
Kaukauna, WI 54130

SUBJECT: Amateur Radio license N9ZHW; Case #EB-2007-3049

Dear Mr. Hubeny:

Enclosed is a complaint received by the Commission concerning the operation of your Amateur station on non-Amateur frequencies. The complaints allege deliberate interference. Although the complaints relate to non-Amateur operation, if true they raise serious questions regarding your qualifications to retain an Amateur license.

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 complaint. You are also requested to clarify your mailing address for your Amateur license.

We are required to notify you that 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 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).

Sincerely,

W. Riley Hollingsworth
Special Counsel

Enclosure

cc: W 450 Clifton Road, Sherwood, WI 54169

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).