



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

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

February 25, 2008

David R. Henry
23 White Oak Drive
Cuddebackville, NY 12729

Re: Amateur Radio license W2DRH: WARNING NOTICE

Dear Mr. Henry:

The trustees of the K3TSA repeater system operating on 145.350 MHz has requested in writing that you refrain from use of the repeater. The request was issued as a result of your failure to follow operational rules set forth by the licensee/control operators of the repeater and FCC rules. You were previously requested verbally to refrain from using the system, but have apparently ignored both verbal and written requests.

The Commission requires that repeaters be under the supervision of a control operator and not only expects, but requires, such control operators and licensees to be responsible for the proper operation of the repeater system. Control operators may take whatever steps are appropriate to ensure compliance with the repeater rules, including limiting the repeater use to certain users, converting the repeater to a closed repeater or taking it off the air entirely.

Please be advised that we expect you to abide by the request to stay off the above repeater system **and any other such request by a repeater licensee, control operator or trustee**. If you use the repeater again after receipt of this letter, we will initiate enforcement action against your license, which may include revocation, monetary forfeiture (fine) or a modification proceeding to restrict the frequencies on which you may operate W2DRH. Fines normally range from \$7,500 to \$10,000.

Additionally, we note you complained that on February 13, 2008, the control operator of the K3TSA repeater shut down the repeater while you engaged in emergency communications. You had previously been warned not to use the repeater and, moreover, three of the five control operators of the K3TSA repeater witnessed the communications and reported that there was no emergency situation.

We note that that your license expires on April 21, 2009. Please be advised that your license will not be routinely renewed unless this matter is resolved.

Sincerely,

W. Riley Hollingsworth
Special Counsel

cc: FCC Northeastern Regional Director