

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Scott E. Kamm)	File No.: EB-02-KC-807
Licensee of Amateur Station N0UGN)	
)	NAL/Acct. No. 200332560008
Sioux City, Iowa)	FRN 0006-5376-58

MEMORANDUM OPINION AND ORDER

Adopted: September 7, 2004

Released: September 10, 2004

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* (“*Order*”), we grant a June 6, 2003 petition for reconsideration (“petition”) filed by Scott E. Kamm, licensee of amateur radio station N0UGN, Sioux City, Iowa, to the extent indicated herein. Mr. Kamm seeks reconsideration of a May 7, 2003 *Forfeiture Order*,¹ in which the Enforcement Bureau imposed upon him a monetary forfeiture in the amount of twelve thousand dollars (\$12,000) for willfully violating Sections 97.101(d), 97.113(a)(4) and 97.119(a) of the Commission’s Rules (“Rules”).² The noted violations involve Mr. Kamm’s intentional interference to communications on Amateur Radio Service frequency 146.31 MHz, transmission of music on his amateur station, and failure to identify his amateur station by call sign.

2. In support of his petition, Mr. Kamm offers to immediately withdraw his pending application for renewal of his license for amateur radio station N0UGN,³ and to refrain from applying for any other license for a period of five years.⁴ Accordingly, we conclude that cancellation of the \$12,000 forfeiture is warranted. Mr. Kamm’s license application withdrawal will be processed by WTB concurrently with this *Order*.

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 405 of the Act⁵ and Section 1.106 of the Rules,⁶ Mr. Kamm’s petition for reconsideration of the June 6, 2003, *Forfeiture Order* **IS GRANTED** to the extent indicated herein.

¹ *Scott E. Kamm*, 18 FCC Rcd. 9379 (Enf. Bur. 2003).

² 47 C.F.R. §§ 97.101(d), 97.113(a)(4) and 97.119(a).

³ On August 20, 2002, Mr. Kamm’s application for renewal of amateur radio station license N0UGN was granted. However, on September 12, 2002, the Wireless Telecommunications Bureau (“WTB”), on its own motion, set aside the grant of the renewal of Mr. Kamm’s license, thereby reverting the underlying application to pending status.

⁴ See *Kornwell Chan*, 16 FCC Rcd 14893 (Enf. Bur. 2001) (proposed monetary forfeiture to amateur radio station for willful and malicious interference with radio communications, transmitting music on amateur radio frequencies, and transmitting unidentified communications was cancelled after licensee relinquished that license and agreed to refrain from reapplying for a license for an established time period).

⁵ 47 U.S.C. § 405.

4. **IT IS FURTHER ORDERED** that, pursuant to Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,⁷ the forfeiture in the amount of twelve thousand dollars (\$12,000) assessed in the *Forfeiture Order* issued to Scott E. Kamm **IS CANCELLED**.

5. **IT IS FURTHER ORDERED THAT** a copy of this *Order* shall be sent by first class mail and certified mail, return receipt requested, to Mr. Scott E. Kamm at his address of record.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

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⁶ 47 C.F.R. § 1.106.

⁷ 47 C.F.R. §§ 0.111, 0.311 and 1.80(f)(4).