

**Federal Communications Commission**

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

In the Matter of	)	
	)	
Earl M. Gorsuch	)	File No. EB-03-DT-835
Licensee of Aircraft Radio Station N6134T	)	
Breckenridge, Michigan	)	NOV No. V20043236002
	)	

**NOTICE OF VIOLATION**

**Released: October 14, 2003**

By the District Director, Detroit Office, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules,<sup>1</sup> to Earl M. Gorsuch, licensee of aircraft radio station N6134T.

2. On September 15, 2003, an agent of the Commission's Detroit Office investigated an activation of an Emergency Locator Transmitter ("ELT") transmitting on 121.5 MHz and found the source to be an ELT aboard your aircraft (N6134T) located at Earl's Spray Service, Inc., 2530 Redstone, Breckenridge, Michigan. The agent observed the following violation(s):

- a. 47 C.F.R. § 87.187(k): "The frequencies 121.500 MHz and 243.000 MHz are emergency and distress frequencies available for use by survival craft stations, emergency locator transmitters and equipment used for survival purposes. Use of 121.500 MHz and 243.00 MHz shall be limited to transmission of signals and communications for survival purposes. Type A2A, A3E or A3N emission may be employed, except in the case of emergency locator transmitters where A3E, A3X and N0N are permitted." The transmissions from your aircraft's emergency locator transmitter were not of a survival nature and were not permitted.
- b. 47 C.F.R. § 87.193: "Transmissions by emergency locator transmitters (ELTs) are intended to be actuated manually or automatically and operated automatically as part of an aircraft or survival craft station as a locating aid for survival purposes." The transmissions from your ELT were not survival purpose transmissions.

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<sup>1</sup> 47 C.F.R. § 1.89.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>2</sup> and Section 1.89 of the Commission's Rules, Earl M. Gorsuch, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee with personal knowledge of the matter. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Detroit Office  
24897 Hathaway Street  
Farmington Hills, MI 48335

4. This Notice shall be sent to Earl M. Gorsuch, 1800 Redstone Rd., Wheeler, Michigan 48662.

5. The Privacy Act of 1974<sup>3</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater  
District Director  
Detroit Office

JAB:psm

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<sup>2</sup> 47 U.S.C. § 308(b).

<sup>3</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).

<sup>4</sup> 18 U.S.C. § 1001 *et seq.*