



**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

November 22, 2005

**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
AND FACSIMILE**

Navtech Seminars and GPS Supply  
Suite 400  
6121 Lincolnia Rd  
Alexandria, VA 22312-2707

Re: File No. EB-04-SE-362

Dear Sir or Madame:

This is an official **CITATION**, issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Communications Act"), 47 U.S.C. § 503(b)(5), for marketing a radio frequency device in the United States in violation of Section 302(b) of the Communications Act, 47 U.S.C. § 302(b), and Sections 2.803 and 15.205(a) of the Commission's Rules ("Rules"), 47 C.F.R. §§ 2.803 and 15.205(a). As explained below, future violations of the Commission's rules in this regard may subject your company to monetary forfeitures.

By letter dated January 11, 2005,<sup>1</sup> (Letter of Inquiry) the Spectrum Enforcement Division (SED) of the Commission's Enforcement Bureau informed Navtech Seminars and GPS Supply (Navtech) that it had initiated an investigation into whether Navtech was marketing Global Positioning Satellite (GPS) Re-Radiation Kits and GPS Signal Repeater Kits in the United States.<sup>2</sup> The letter requested information regarding, among other things, the number of GPS Re-Radiation Kits sold to non-federal government entities.

In its response to SED's Letter of Inquiry, Navtech indicated that it does not manufacture any of the GPS Re-Radiation or Repeater Kits that it markets.<sup>3</sup> Additionally, Navtech states that, based on its own ability to purchase the units that it later re-sold, it was unaware that FCC rules restricted sale of the equipment to federal government entities. Navtech notes that it sold 103 units to non-federal government customers prior to receiving SED's Letter of Inquiry. Subsequent to receipt of the letter however, Navtech indicates that it revised its sales policy. Navtech has since placed the following advice on its website:

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<sup>1</sup> See Letter from Kathryn Berthot, Deputy Division, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to Navtech Seminars and GPS Supply (January 11, 2005).

<sup>2</sup> GPS re-radiators and repeaters receive the GPS signal and re-transmit the amplified signal through another antenna. These devices are commonly used to deliver a strong GPS signal indoors for testing, calibrating, or experimenting with GPS receivers in a controlled environment.

<sup>3</sup> See Letter from Robert G. Kirk to Neal McNeil (March 2, 2005).

“Please note: re-radiation kits are currently only available for purchase to International Customers and in cases where the U.S. Government is the end user.”

Section 302(b) of the Act provides that “[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated to this section.” Section 2.803(a)(1) of the Commission’s implementing regulations provides that:

no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless . . . [i]n the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.

Additionally, Section 2.803(g) of the Rules provides that:

Devices that could not be operated or legally authorized under the current rules . . . shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed absent a license issued under part 5 of the Chapter or a special temporary authorization issued by the Commission.

Pursuant to Section 15.201(b) of the Rules, 47 C.F.R. § 15.201(b), intentional radiators must be authorized in accordance with the FCC’s certification procedures prior to the initiation of marketing in the United States. However, GPS re-radiators operate within the restricted frequency bands listed in Section 15.205(a) of the Rules, 47 C.F.R. § 15.205(a).<sup>4</sup> Thus, GPS re-radiators cannot comply with the FCC’s technical standards and therefore cannot be certificated or marketed for use by the general public or non-federal government entities. Accordingly, it appears that Navtech has violated Section 302(b) of the Act and Sections 2.803 and 15.205(a) of the Rules by marketing in the United States radio frequency devices that are not eligible to receive a grant of certification.

You should be aware that the Commission has recently addressed a Petition for Rulemaking and a Request for Waiver seeking amendment of FCC regulations to permit the marketing of GPS re-radiation kits.<sup>5</sup> By *Order* released July 6, 2005, the FCC’s Office of Engineering and Technology (OET) denied the Petition for Rulemaking and Request for Waiver.<sup>6</sup> OET noted that the Petition raised significant issues that needed further study and therefore did not warrant consideration at the time. Accordingly, Navtech is reminded that at this time GPS re-radiating devices are not permitted to be sold to the general public or to state or local governments.

The Commission’s rules do not prohibit sales of GPS re-radiator devices to federal government agencies.<sup>7</sup> However, prior to selling the devices to any federal agency, Navtech should verify that the

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<sup>4</sup> Section 15.205(a) allows intentional radiators to transmit only spurious emissions in the restricted frequency bands. 47 C.F.R. § 2.1 defines spurious emissions as “Emission on a frequency or frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting the corresponding transmission of information. Spurious emissions include harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products, but exclude out-of-band emissions.” The re-radiators and repeaters purposely transmit RF energy on these restricted frequencies.

<sup>5</sup> See Public Notice, Report No. 2662, released June 25, 2004, regarding RM-11002.

<sup>6</sup> See *Order In the Matter of Petition for Rulemaking of the Part 15 Regulations and Request for Waiver of the Part 2 Marketing Regulations*, RM-11002, FCC 05-136, 20 FCC Rcd. 12256 (2005).

<sup>7</sup> See 47 C.F.R. § 2.807(d).

customer has obtained the proper authorizations for use. Federal agencies may obtain such authorization by contacting the National Telecommunications and Information Administration (NTIA). Requirements for federal agency use of GPS re-radiators are contained in Chapter 8.3.28 of the NTIA manual.

In light of the above, Navtech should not complete sales to any domestic entity until the customer has provided proof of authorization as described herein. Furthermore, any advertisement for sale of these products should clearly indicate that the GPS re-radiators are only available for sale to foreign customers or U.S. federal government agencies. Any print or Internet advertisement must include the following statement:

“GPS re-radiator devices may be sold only to foreign parties or those domestic parties operating under direction of an agency of the U.S. Federal Government. Domestic customers must provide proof of authorization obtained from the National Telecommunications and Information Administration (NTIA) before a transaction can be completed. For further information regarding NTIA requirements, see Chapter 8.3.28 of the NTIA manual, <http://www.ntia.doc.gov/osmhome/redbook/8.pdf>.”

**If, after receipt of this citation, Navtech violate the Communications Act or the Commission’s rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation.**<sup>8</sup>

If you choose to do so, you may respond to this citation within 30 days from the date of this letter either through (1) a personal interview at the Commission’s Field Office nearest to your place of business, or (2) a written statement. Your response should specify the actions that Navtech is taking to ensure that it do not violate the Commission’s rules governing the marketing of radio frequency equipment in the future.

**The nearest Commission field office is the Columbia Office in Columbia, MD. Please call Neal McNeil at 202-418-2408 if you wish to schedule a personal interview. You should schedule any interview to take place within 30 days of the date of this letter. You should send any written statement within 30 days of the date of this letter to:**

Kathryn S. Berthot  
Deputy Chief, Spectrum Enforcement Division  
Enforcement Bureau  
Federal Communications Commission  
445-12<sup>th</sup> Street, S.W., Rm. 7-C802  
Washington, D.C. 20554

Under the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), we are informing you that the Commission’s staff will use all relevant material information before it, including information that you disclose in your interview or written statement, to determine what, if any, enforcement action is required to ensure your compliance with the Communications Act and the Commission’s rules.

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<sup>8</sup> See 47 C.F.R. § 1.80(b)(3).

The knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Kathryn S. Berthot  
Deputy Chief, Spectrum Enforcement Division  
Enforcement Bureau  
Federal Communications Commission

cc: Robert G. Kirk, Esq.