



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

November 1, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Basic Home Shopping
Attn: Curtis King
2223 N. Camac Street
Philadelphia, PA 19133

Re: File No. EB-06-SE-222

Dear Mr. King:

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

By letter of inquiry dated March 28, 2007, the Spectrum Enforcement Division of the Commission’s Enforcement Bureau (“the Division”) initiated an investigation into whether Basic Home Shopping is marketing in the United States unauthorized radio frequency devices, specifically, the portable cell phone jammer with model number SH066PL2A/B (“SH066PL2A/B jammer”).¹ The Division observed advertisements for the SH066PL2A/B jammer on your web site, www.basichomeshopping, on various dates, including March 8, 2005, May 25, 2006, and March 16, 2007.

In your August 18, 2007 response, you admit that you purchased three or four units of the SH066PL2A/B jammer from another company in 2005 and sold them.² You also claim that you removed the SH066PL2A/B jammer from your website shortly after you were notified by the eBay auction website in the spring of 2005 that the jammers were illegal to sell in the United States. As noted above, however, the Division observed the SH066PL2A/B jammer advertised for sale on your website on at least two occasions in 2006 and 2007.

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

¹ Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, to Basic Home Shopping (March 28, 2007).

² Letter from Curtis King, Basic Home Shopping to Spectrum Enforcement Division, Enforcement Bureau (August 18, 2007).

regulations promulgated pursuant 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 marketing³ in the U.S. However, it does not appear that devices such as the SH066PL2A/B jammer are capable of receiving a grant of certification. In this regard, the main purpose of cell phone and other wireless jammers is to block or interfere with radio communications. Such use is clearly prohibited by Section 333 of the Act, 47 U.S.C. § 333, which states that “[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government.” Thus, a device such as a jammer which intentionally interferes with radio communications is not eligible for certification. Accordingly, it appears that Basic Home Shopping has violated Section 302(b) of the Act and Section 2.803 of the Rules by marketing in the United States the SH066PL2A/B jammer.

If, after receipt of this citation, Basic Home Shopping violates 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.⁴

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 Basic Home Shopping is taking to ensure that it does not violate the Commission’s rules governing the marketing of jamming devices in the future.

The nearest Commission field office is the Philadelphia Office in Langhorne, Pennsylvania. Please call Gabriel Collazo at 202-418-1160 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
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission

³ Section 2.803(e)(4) of the Rules defines “marketing” as the “sale or lease, or offering to sale or lease, including advertising for sale or lease, or importation, shipment or distribution for the purpose of selling or leasing or offering for sale or lease.” 47 C.F.R. § 2.803(e)(4).

⁴ See 47 C.F.R. § 1.80(b)(3).

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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.

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
Chief, Spectrum Enforcement Division
Enforcement Bureau