



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

August 18, 2009

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Costco Warehouse Corporation
999 Lake Drive
Issaquah, WA 98027
Attn: Richard J. Olin, Vice President and General Counsel

Re: File No. EB-09-SE-133

Dear Mr. Olin:

This is an official **CITATION** issued to Costco Warehouse Corporation (“Costco”), pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),¹ for marketing non-compliant radio frequency devices, specifically, the Astak CM-918T2 wireless security camera (“Astak CM-918T2”), in the United States in violation of Section 302(b) of the Act,² and Sections 2.803, 15.209 and 15.249(d) of the Commission’s Rules (“Rules”).³ As explained below, future violations of the Commission’s Rules in this regard may subject your company to monetary forfeitures.

In March 2009, the Enforcement Bureau received a complaint alleging that the Astak CM-918T2 is causing harmful interference to Sprint Nextel’s licensed operation of its iDEN network in the 800 MHz and 900 MHz bands and that Costco is marketing this device. On May 8, 2009, staff from the Enforcement Bureau’s Spectrum Enforcement Division visited the Costco Warehouse located at 7601 Matapeake Business Drive, Brandywine, Maryland 20613. The staff observed that this Costco location was marketing⁴ the Astak CM-918T2. Subsequently, the Enforcement Bureau provided samples of the Astak CM-918T2 to the FCC’s Office of Engineering and Technology (“OET”) Laboratory for testing. The OET Laboratory’s tests demonstrated that the Astak CM-918T2 does not comply with the radiated emission limits specified in Sections 15.249(d) and 15.209 of the Rules.

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 pursuant to this section.” Section 2.803(a)(1) of the Rules provides in pertinent part that:

[N]o person shall sell or lease, or offer for sale or lease (including advertising for sale or

¹ 47 U.S.C. § 503(b)(5).

² 47 U.S.C. § 302a(b).

³ 47 C.F.R. §§2.803, 15.209 and 15.249(d).

⁴ 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).

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 chapter⁵

Intentional radiators,⁶ such as the transmitter component of the Astak CM-918T2 wireless security camera, are generally required by Section 15.201 of the Rules,⁷ to be approved through the equipment certification⁸ procedures described in Sections 2.1031 – 2.1060 of the Rules⁹ prior to marketing within the United States. As an intentional radiator operating at 905 MHz and 924 MHz,¹⁰ the Astak CM-918T2 is also subject to the radiated emission limits specified in Section 15.249(a) of the Rules for operations within the 902-928 MHz band.¹¹ In addition, pursuant to Section 15.249(d) of the Rules,¹² except for harmonics, emissions from the Astak CM-918T2 radiated outside the 902-928 MHz band must be attenuated by at least 50 dB below the level of the fundamental frequency or to the general radiated emission limits specified in Section 15.209 of the Rules,¹³ whichever is the lesser attenuation. The OET Laboratory's tests demonstrate that radiated emissions from the Astak CM-918T2 outside the 902-928 MHz band substantially exceed the limits specified in Section 15.209 of the Rules. Therefore, the Astak CM-918T2 does not comply with the radiated emission limits specified in Sections 15.249(d) and 15.209 of the Rules.

Accordingly, it appears that Costco violated Section 302(b) of the Act and Sections 2.803, 15.209 and 15.249(d) of the Rules by marketing in the United States the Astak CM-918T2 wireless security camera.

If, after receipt of this citation, you violate the Communications Act or the Commission's Rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed \$16,000 for each such violation or each day of a continuing violation.¹⁴

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 you are taking to ensure that you do not violate the Commission's Rules governing the marketing of radio frequency equipment in the future.

The nearest Commission field office is the Seattle Office, in Kirkland, Washington. Please call Neal McNeil at 202-418-2408 if you wish to schedule a personal interview. You should schedule any

⁵ 47 C.F.R. § 2.803(a)(1).

⁶ An intentional radiator is "[a] device that intentionally generates and emits radio frequency energy by radiation or induction." 47 C.F.R. § 15.3(o).

⁷ See 47 C.F.R. § 15.201.

⁸ A certification is an equipment authorization issued by the Commission, based on representations and test data submitted by the applicant. See 47 C.F.R. § 2.907(a).

⁹ 47 C.F.R. §§ 2.1031 – 2.1060.

¹⁰ The Astak CM-918T2 is certified under FCC ID WQZCM-918T2 to operate at 905 MHz and 924 MHz.

¹¹ See 47 C.F.R. § 15.249(a).

¹² See 47 C.F.R. § 15.249(d).

¹³ See 47 C.F.R. § 15.209.

¹⁴ See 47 C.F.R. § 1.80(b)(3).

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 Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission
445-12th Street, S.W., Rm. 3-C366
Washington, D.C. 20554

Under the Privacy Act of 1974,¹⁵ 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.¹⁶

Thank you in advance for your anticipated cooperation.

Sincerely,

Kathryn Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission

¹⁵ See 5 U.S.C. § 552(a)(e)(3).

¹⁶ See 18 U.S.C. § 1001.