



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

November 10, 2009

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL
AT shanjianelectronics@126.com

Shenzhen Shan Jian Electronics Company, Ltd.
No. 3, 19 Building, Longjing Industrial Area
Xi Li Town, Nanshan District
Shenzhen
China

Re: File No. EB-09-SE-094

Dear Sir or Madam:

This is an official **CITATION**, issued to Shenzhen Shan Jian Electronics Company, Ltd. ("Shenzhen) pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"), 47 U.S.C. § 503(b)(5), for violating Commission orders by failing to respond to Enforcement Bureau Letters of Inquiry ("LOIs") directing Shenzhen to provide certain information and documents. As explained below, future violations of a Commission order in this regard may subject your company to monetary forfeitures.

By LOI dated June 8, 2009, the Spectrum Enforcement Division of the Commission's Enforcement Bureau initiated an investigation into whether Shenzhen Shan Jian Electronics Company, Ltd. ("Shenzhen) is marketing an unauthorized radio frequency device in the United States -- specifically, the Sunkey SK-801ATSC digital television converter box. We received an electronic mail response from Shenzhen on June 9, 2009. That response, however, did not contain any of the information sought by the LOI. On July 14, 2009, we sent you a follow-up LOI via electronic mail and Federal Express seeking the same information but we have received no response to the follow-up LOI.

Sections 4(i), 4(j), and 403 of the Act,¹ afford the Commission broad authority to investigate the entities it regulates. Section 4(i) authorizes the Commission to "issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions." Section 4(j) states that "the Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch business and to the ends of justice." Section 403 grants the Commission "full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which complaint is authorized to be made, to or before the Commission by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act."

Pursuant to this authority, we sent you LOIs in June and July 2009 directing you to provide certain information and documents. Your e-mail response to the June LOI indicates that you received at least one of the LOIs. However, the Commission has not received the information sought by the LOIs

¹ 47 U.S.C. §§ 154 (i), 154 (j) and 403.

and has received no response whatsoever to the second LOI. Accordingly, it appears that Shenzhen has violated Commission orders by failing to respond to Enforcement Bureau directives to provide certain information and documents.

A party may not ignore the directives in a Bureau inquiry letter.² You are again ordered, pursuant to sections 4(i), 4(j) and 403 of the Act, to provide the information originally sought by our LOI of June 8, 2009 (copy enclosed). You must provide this information in the manner indicated therein within 20 days of the date of this citation.³

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 appears to be the Anchorage Resident Agent Office, in Anchorage, Alaska. Please call Thomas D Fitz-Gibbon at 202-418-0693 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:

Thomas D. Fitz-Gibbon
Spectrum Enforcement Division
Enforcement Bureau
Re: EB-09-SE-094
Federal Communications Commission
445 12th Street, S.W., Rm. 3-A460
Washington, D.C. 2055

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 Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission

² See, e.g., *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591 (2002). In *SBC Communications*, the Commission assessed a \$100,000 forfeiture against a carrier for its willful refusal to supply a sworn declaration in response to an Enforcement Bureau letter of inquiry. The Commission stated: "[T]he order here was squarely within the Commission's authority and, in any event, parties are required to comply with Commission orders even if they believe them to be outside the Commission's authority." *Id.* at 7591.

³ See 47 C.F.R. § 1.80(b)(3).