

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

In the Matter of

Modern Holdings, LLC
Denver, Colorado

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File No.: EB-FIELDWR-22-00033267

CITATION AND ORDER

**Electronic Billboards Causing Harmful Interference to
Wireless Communications and Unauthorized Operation**

Adopted: August 4, 2026

Released: August 4, 2026

By the Field Director:

I. NOTICE OF CITATION

1. This **CITATION AND ORDER** (Citation), notifies Modern Holdings, LLC (Modern) that it is operating radiofrequency emitting devices at its place of business without authorization that caused and continue to cause harmful interference to a Commission licensee. We therefore direct that Modern immediately refrain from using the interference-causing devices and comply with Federal Communications Commission (Commission or FCC) interference regulations. If Modern fails to comply with these laws, it may be liable for significant fines up to \$25,132 per day for each device found to be causing harmful interference.¹

2. **Notice of Duty to Comply with the Law:** We issue this Citation pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (Act), which states that the Commission may not impose monetary forfeitures against non-regulatees who violate Commission rules or the Act unless and until: (a) the Commission issues a citation to the violator; (b) the Commission provides the violator a reasonable opportunity to respond; and (c) the violator subsequently engages in conduct described in the citation.² Accordingly, Modern is hereby on notice that it must comply with sections 301 and 333 of the Act³ and sections 15.5(b) and 15.5(c) of the Commission's rules.⁴ If Modern subsequently engages in any conduct described in this Citation—including specifically any violation of sections 301 and 333 of the Act or sections 15.5(b) or 15.5(c) of the Commission's rules—it may be subject to civil penalties, including but not limited to, substantial monetary forfeitures. In assessing such forfeitures, the Commission may consider both the conduct that led to this Citation and the conduct following the Citation.⁵ Modern should take immediate steps to come into compliance with the Commission's rules, including eliminating the interference.

¹ These potential fines include penalties for unauthorized operation and harmful interference of up to a maximum \$25,132 for each day of each violation except that the amount assessed for any continuing violation shall not exceed a total of \$188,491 for any single act or failure to act. *See* 47 U.S.C § 1.80(b)(10).

² *See* 47 U.S.C § 503(b)(5).

³ *Id.* §§ 301 and 333.

⁴ 47 CFR § 15.5(b)-(c).

⁵ *See* S. Rep. No. 95-580, 95th Cong., 1st Sess. at 9 (1977) (If a person or entity that has been issued a citation by the Commission thereafter engages in the conduct for which the citation of violation was sent, the subsequent notice of apparent liability “would attach not only for the conduct occurring subsequently *but also for the conduct for which the citation was originally sent.*”) (emphasis added).

3. **Notice of Duty to Provide Information:** Pursuant to sections 4(i), 4(j), and 403 of the Act,⁶ we direct Modern to respond in writing, within thirty (30) calendar days after the release date of this Citation, to the questions and requests for documents set out in Section IV of this Citation.

II. BACKGROUND

4. The Commission is charged with protecting licensed radio operations from harmful interference. Harmful interference to wireless providers is particularly problematic in that it can undermine the Commission's primary mission to manage radio spectrum and interfere with 911 service. On January 27, 2022, the Denver Office of the FCC Enforcement Bureau (Bureau) received a complaint of radio frequency interference in the 600 MHz and 700 MHz uplink bands to a T-Mobile USA, Inc. (T-Mobile) communications site located at 637 Osage Street in Denver, Colorado (Osage Street site).⁷

5. In late January 2022, Agents from the Commission's Denver Office (Agents) investigated the interference complaint. On February 4, 2022, Agents took field strength measurements and using direction finding techniques, determined that the source of the interference was two electronic billboards mounted on a building at Modern's place of business at 590 Quivas Street in Denver, Colorado (Property).⁸ On April 13, 2022, the Regional Director of Region Three of the FCC's Enforcement Bureau sent a warning letter to Modern advising that signals emanating from the billboards was causing harmful interference to T-Mobile's licensed operations.⁹

6. The warning letter explained such billboards are unlicensed devices authorized to operate only pursuant to Part 15 of the FCC's rules. Section 15.5(c) of the FCC's rules provides operation of any such device be ceased "upon notification by a Commission representative that the device is causing harmful interference, [and] shall not resume until the condition causing the harmful interference has been corrected."¹⁰ The letter also clearly stated:

UNLICENSED OPERATION MUST BE DISCONTINUED
IMMEDIATELY AND MUST NOT RESUME.¹¹

7. On April 21, 2022, the Bureau received a response e-mail from Rodolfo Alaniz (Alaniz) acknowledging that Modern had received the warning letter, and asking for more information.¹² On April 28, 2022, an Agent spoke with Alaniz explaining the issues, and advising that the Bureau would like to arrange testing to further evaluate the interference. Alaniz refused the Agents' requests for access to the Property to conduct testing and to inspect the externally mounted billboards and any related power supply or control systems located inside the building.¹³ On February 2, 2023, after several observations of the still active billboards, an Agent emailed Alaniz, again explicitly stating that section 15.5(c) of the

⁶ 47 U.S.C. §§ 154(i), 154(j), 403.

Nextel West Corp., a wholly owned subsidiary of T-Mobile, has four licenses that cover the 600 MHz and 700 MHz uplink bands in the Denver area—which includes the Osage Street site—under call signs WQZL90, WQZL91, WQZL92, and WQJQ716.

⁸ A signal was observed by the Agents, centered around 672 MHz, and resulting in a significantly raised noise floor within the uplink portion of T-Mobile's authorized channel, 668 to 673 MHz.

⁹ *Modern Holdings, LLC*, Warning for Interference to Licensed Radio Stations (Apr. 13, 2022) (copy on file in EB-FIELDWR-22-00033267).

¹⁰ 47 CFR § 15.5(c).

¹¹ *Id.*

¹² E-mail from Rodolfo Alaniz, Modern Holdings, to field@fcc.gov (Apr. 21, 2022) (copy on file in EB-FIELDWR-22-00033267).

¹³ See 47 U.S.C. §303(n); 47 CFR 0.111(a).

Commission's regulations require that the billboards be turned off pending resolution of the interference.¹⁴

8. Following Modern's response to the warning letter, Modern continued to operate the billboards. On May 24, 2022; August 10 and 11, 2023; April 30, 2024; June 18, 2024; and August 18, 2025, Agents made on-site observations confirming that Modern's billboards continued to cause interference to T-Mobile in the 600 MHz uplink band. During the June 18, 2024, investigation, Agents conducted extensive testing, during which, they observed an interfering signal from the billboards in various directions all around the Osage Street site and failed to locate any other signals which could potentially cause interference. In June 2026, T-Mobile advised the Bureau that it continued to receive interference at the Osage Street site.

III. APPLICABLE LAW AND VIOLATIONS

9. The Commission is charged with protecting licensed radio operations from harmful interference. Harmful interference to wireless providers, such as T-Mobile, is particularly problematic in that it can undermine the Commission's primary mission to manage radio spectrum and interfere with 911 service. Section 301 of the Act states that "[n]o person shall use or operate any apparatus for the transmission of energy or communications or signals by radio"¹⁵ within the United States or its territories without a license or authorization granted by the Commission. Section 333 of the Act 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."¹⁶

10. Part 15 of the Commission's rules provides an exception to this general license requirement and sets forth conditions under which devices may operate without an individual license.¹⁷ Section 15.5(b) of the Commission's rules requires that "[o]peration of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused"¹⁸ Similarly, section 15.5(c) of the Commission's rules states that the "operator of a radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected."¹⁹ Section 15.3(m)'s definition of harmful interference includes "[a]ny emission, radiation or induction that . . . obstructs or repeatedly interrupts a radiocommunications service operating in accordance with this chapter."²⁰

11. In April 2022, the Commission notified Modern that its billboards were causing interference to T-Mobile and that it must cease operating them until it eliminated the interference, but it failed to comply.²¹ We find that Modern violated²² sections 301 and 333 of the Act²³ and sections 15.5(b) and 15.5(c) of the Commission's rules²⁴ by operating devices causing harmful interference to T-Mobile's

¹⁴ Email from Agent {[Benjamin Kapp]} to Rodolfo Alaniz, Modern Holdings, to Field@fcc.gov (February 2, 2023) (copy on file in EB-FIELDWR-22-00033267).

¹⁵ 47 U.S.C. § 301.

¹⁶ *Id.* § 333.

¹⁷ 47 CFR § 15.1 *et seq.*

¹⁸ *Id.* § 15.5(b).

¹⁹ *Id.* § 15.5(c).

²⁰ *Id.* § 15.3(m); *see also Id.* § 2.1(c).

²¹ *See supra* paras. 6-7.

²² The violations took place on May 24, 2023; August 10 and 11, 2023; April 23 and 24, 2024; June 18, 2024; and August 18, 2025. *See supra* para. 8.

²³ 47 U.S.C. §§ 301 and 333.

²⁴ 47 CFR § 15.5(b)-(c).

licensed operations,²⁵ by failing to promptly eliminate the interference upon notification by a Commission representative, and by failing to cease operating the devices upon notification by a Commission representative that the devices were causing harmful interference.²⁶

IV. REQUEST FOR INFORMATION

12. We direct Modern to respond to the following inquiries and provide the requested documents within thirty (30) days of the release of this Citation:

- i. Provide the brand, model, serial number, and any other identifying information for each electronic billboard at the Property, including any related power supply or control systems located inside the building.
- ii. Provide copies of any documentation from the vendor and/or manufacturer of each device identified in response to question (a), regarding its installation, configuration, and/or operation.
- iii. Confirm that Modern has deactivated each of the electronic billboards identified in response to inquiry (i) and will not resume their operation until the interference has been resolved. If any such device has not been deactivated, describe the actions Modern has taken to eliminate the interference, including how the resolution of interference was verified. For each unique device identified in response to inquiry (i), list the make, model number, and FCC ID, and provide the name and address of the manufacturer of the device.
- iv. Describe the actions Modern has taken to prevent future violations of sections 301 and 333 of the Act and sections 15.5(b) and 15.5(c) of the Commission's rules, and provide a timeline specifying when it will complete any pending corrective actions.

V. OPPORTUNITY TO RESPOND TO THIS CITATION

13. Modern may respond to this Citation within 30 calendar days from the release date of this Citation by any of the following methods: (a) a written statement, (b) a teleconference interview, or (c) a personal interview at the Commission Field Office nearest to Modern's place of business. The Commission Field Office nearest to Modern's place of business is located in Denver, Colorado.

14. If Modern requests a teleconference or personal interview, please contact Lark Hadley by telephone at: (562) 865-0235. We note that such teleconference or interview must take place within 30 calendar days of the release date of this Citation. If Modern prefers to submit a written response with supporting documentation, it must send the response within 30 calendar days of the release date of this Citation to the contact and address provided in paragraph 15 below.

15. All written communications should be sent to the address below.

Michael Rhodes, Field Director
Federal Communications Commission
45 L Street NE
Washington, DC 20554
Re: EB- FIELDWR-22-00033267

16. Upon request, the Commission will make reasonable accommodations for persons with disabilities. If applicable, Modern should provide a description of the accommodation required, and include as much detail as possible, and also provide a telephone number and other contact information. Modern should allow at least five business days advance notice; last minute requests will be accepted but

²⁵ See *supra* paras 5-7.

²⁶ *Id.* § 15.5(b)-(c).

may be impossible to fill. Modern should send an e-mail to fcc504@fcc.gov or call the FCC's Consumer and Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:
(202) 418-0530 (voice), (202) 418-0432 (tty); and

For accessible format materials (braille, large print, electronic files, and audio format):
(202) 418-0531 (voice), (202) 418-7365 (tty).

17. We advise Modern that it is a violation of section 1.17 of the Commission's rules²⁷ for any person to make any false or misleading written or oral statement of fact to the Commission. Specifically, no person shall:

(1) In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; and

(2) In any written statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.

18. Further, 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.²⁸

19. Violations of section 1.17 of the Commission's rules or the criminal statute referenced above may result in further legal action, including monetary forfeitures pursuant to section 503 of the Act.

20. Finally, we warn Modern that, under the Privacy Act of 1974,²⁹ Commission staff will use all relevant material information before it, including information disclosed in interviews or written statements, to determine what, if any, enforcement action is required to ensure Modern's compliance with the Act and the Commission's rules.³⁰

VI. FUTURE VIOLATIONS

21. If, after receipt of this Citation, Modern again violates sections 301 or 333 of the Act, and/or sections 15.5(b) or 15.5(c) of the Commission's rules by engaging in conduct of the type described herein, the Commission may impose sanctions for each such violation. For example, the Commission may impose monetary forfeitures not to exceed \$25,132 for each such violation or each day of a continuing violation, and up to \$188,491 for any single act or failure to act.³¹ The Commission may further adjust the forfeiture reflecting enumerated statutory factors, which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.³² Further, as discussed above, the Commission may assess forfeitures on both the conduct that led to this

²⁷ *Id.* § 1.17.

²⁸ 18 U.S.C. § 1001.

²⁹ 5 U.S.C. § 552a(e)(3).

³⁰ Any entity that is a "Small Business Concern" as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, "Oversight of Regulatory Enforcement," in addition to other rights set forth herein.

³¹ See 47 U.S.C. § 503; 47 CFR § 1.80(b). These amounts are subject to further adjustment for inflation.

³² See 47 U.S.C. § 503(b)(2)(E); 47 CFR § 1.80(b).

Citation and the conduct following it.³³ In addition, future violations may subject Modern to seizure of equipment through *in rem* forfeiture actions,³⁴ as well as criminal sanctions, including imprisonment.³⁵

VII. ORDERING CLAUSES

22. Accordingly, **IT IS ORDERED** that, pursuant to sections 4(i) and 4(j) of the Act, 47 U.S.C. § 154(i), (j), Modern Holdings, LLC must cease and desist from causing harmful interference in violation of section 333 of the Act, 47 U.S.C. § 333 and operating without authorization in violation of section 301 of the Act, 47 U.S.C. § 301, and sections 15(b) and 15(c) of the Commission's rules, 47 CFR § 15.5(b)-(c).

23. **IT IS FURTHER ORDERED** that, pursuant to sections 4(i), 4(j), and 403 of the Act,³⁶ Modern Holdings, LLC must provide the written information requested in paragraph 12 above. Modern Holdings, LLC must support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an employee or agent of Modern Holdings, LLC, attesting to personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein and that all of the information requested has been produced. All such declarations provided must comply with section 1.16 of the Commission's rules and be substantially in the form set forth therein.³⁷ The Commission must receive the response within thirty (30) calendar days of the release date of this Citation and Order.

24. **IT IS FURTHER ORDERED** that a copy of this Citation and Order shall be sent by first class mail and certified mail, return receipt requested, to Modern Holdings, LLC at 590 Quivas Street, Denver, CO 80204.

FEDERAL COMMUNICATIONS COMMISSION

Michael Rhodes
Field Director
Enforcement Bureau

³³ See *supra* para 2.

³⁴ See 47 U.S.C. § 510.

³⁵ See *id.* §§ 401, 501.

³⁶ *Id.* §§ 154(i), (j), 403.

³⁷ 47 CFR § 1.16.