



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
SOUTH CENTRAL REGION**

Dallas Office

9330 LBJ Freeway, #1170
Dallas, Texas 75243
(214) 575-6361

August 13, 2009

Gene Stinson
d.b.a. D&G Food Mart
Oklahoma City, Oklahoma

**NOTICE OF UNAUTHORIZED OPERATION AND
INTERFERENCE TO LICENSED RADIO STATIONS**

Case Number: EB-09-DL-0058
Document Number: W200932500003

On July 29, 2009, in response to a complaint of interference from the City of Oklahoma City Radio System Support ("OKC"), agents from the Commission's Dallas Office of the Enforcement Bureau inspected your convenience store located at 1437 SW 29th Street, Oklahoma City. The agents found two radio transmitting devices designed to jam licensed radio communications transmissions in the 850-894 MHz and other licensed frequency bands. OKC's licensed radio system operates in the 850-894 MHz band. During the inspection, the store clerk admitted that the units had been in operation and voluntarily relinquished them.

Persons operating or using radio transmitters must be licensed or authorized by the FCC, pursuant to Section 301 of the Communications Act of 1934, as amended.¹ In addition, radio transmitting equipment must comply with FCC rules.² Section 333 of the Act prohibits willful or malicious interference with any radio communications of any station licensed or authorized by or under the Act or operated by the United States Government.³ In addition, Section 302(b) of the Act, and Section 2.803(a) of the Commission's rules, prohibit the manufacture, importation, marketing, sale or operation of devices deliberately designed to jam or disrupt wireless communications.⁴ The Commission has issued two Public Notices specifically stating that the sale and use of transmitters designed to prevent, jam or interfere with the operation of cellular and personal communications service ("PCS") telephones is unlawful.⁵ Section 303(n) of the Act

¹ 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level that complies with the standards established in Part 15 of the Commission's rules. 47 C.F.R. §§ 15.1 *et seq.*

² 47 C.F.R. Part 2, Subpart J.

³ 47 U.S.C. § 333.

⁴ 47 U.S.C. § 302a(b); 47 C.F.R. § 2.803(a).

⁵ See *Office of Engineering and Technology and Compliance and Information Bureau Warn Against the Manufacture, Importation, Marketing or Operation of Transmitters Designed to Prevent or Otherwise Interfere with*

also authorizes agents of the Commission to inspect all radio installations to determine compliance with Commission rules.⁶

The operation of the devices utilized by you constitutes a violation of Sections 333, 302(b), and 301 of the Act, as described above.⁷ Such operation may subject you to substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.⁸ Because unauthorized operation creates a danger of interference to important radio communications services, and may subject the operator to severe penalties, this notice emphasizes the importance of complying strictly with these legal requirements.

OPERATION OF THIS PROHIBITED RADIO TRANSMISSION MUST NOT RESUME.

You may respond with any information you believe relevant to this warning within (10) days from the date of this warning. Your response should be sent to the address in the letterhead and reference the listed case number. Under the Privacy Act of 1974, we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules.⁹ This will include any information that you disclose in your reply.

Sincerely,

James D. Wells
District Director
Dallas Office
South Central Region

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005

Cellular Radio Communications. DA 99-2150, released October 12, 1999; *Sale or Use of Transmitters Designed to Prevent, Jam or Interfere with Cell Phone Communications is Prohibited in the United States*. DA 05-1776, released June 27, 2005.

⁶ 47 U.S.C. § 303(n).

⁷ 47 U.S.C. §§ 301, 302a(b), 333.

⁸ See 47 U.S.C. §§ 401, 501, 503, 510.

⁹ 5 U.S.C. § 552a(e)(3).