



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

3575 Koger Blvd., #320  
Atlanta, Georgia 30096

November 13, 2009

Norco D&I Enterprises, Inc.  
Oak Ridge, TN

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

Case Number: EB-09-AT-0056  
Document Number: W201032480003

On October 30, 2009, in response to a complaint of interference from U.S. Cellular, agents from the Commission's Atlanta Office of the Enforcement Bureau confirmed by direction finding techniques that radio signals on the 824-849 MHz band were emanating from your business located at 151 Midway Lane, Oak Ridge, TN. The agents inspected your business and found a radio transmitting device designed to jam licensed radio communications transmissions in the 824-849 and 869-894 MHz frequency bands, as well as other licensed frequency bands. U.S. Cellular has a license to provide cellular communications in the 824-849 and 869-894 MHz frequency bands. During the inspection, the business owner admitted that the unit had been in operation and voluntarily relinquished the unit.

Persons operating or using radio transmitters must be licensed or authorized by the Commission, pursuant to Section 301 of the Communications Act of 1934, as amended ("Act").<sup>1</sup> In addition, radio transmitting equipment must comply with the Commission's Rules ("Rules").<sup>2</sup> 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.<sup>3</sup> In addition, Section 302(b) of the Act, and Section 2.803(a) of the Rules prohibit the manufacture, importation, marketing, sale or operation of devices deliberately designed to jam or disrupt wireless communications.<sup>4</sup> The Commission has issued two Public Notices specifically stating that the sale and use of transmitters designed to prevent, jam or interfere with

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<sup>1</sup> 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.*

<sup>2</sup> 47 C.F.R. Part 2, Subpart J.

<sup>3</sup> 47 U.S.C. § 333.

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

the operation of cellular and personal communications service (“PCS”) telephones is unlawful.<sup>5</sup> Section 303(n) of the Act also authorizes agents of the Commission to inspect all radio installations to determine compliance with Commission rules.<sup>6</sup>

The operation of the devices utilized by you constitutes a violation of Sections 333, 302(b), and 301 of the Act, as described above.<sup>7</sup> Such operation may subject you to substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.<sup>8</sup> 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.<sup>9</sup> This will include any information that you disclose in your reply.

Sincerely,

Douglas G. Miller  
District Director  
Atlanta Office  
South Central Region

Attachments:

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

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<sup>5</sup> 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 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.

<sup>6</sup> 47 U.S.C. § 303(n).

<sup>7</sup> 47 U.S.C. §§ 301, 302a(b), 333.

<sup>8</sup> See 47 U.S.C. §§ 401, 501, 503, 510.

<sup>9</sup> 5 U.S.C. § 552a(e)(3).