



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION**

Los Angeles Office
18000 Studebaker Road, Suite 660
Cerritos, CA 90703

November 17, 2009

Michael Rappaport
Beverly Hills, CA 90212

NOTICE OF UNLICENSED OPERATION

Case Number: EB-09-LA-0148
Document Number: W201032900002

On October 15, 2009, this office received an interference complaint from Verizon Wireless concerning a signal on the frequency 849.0 MHz in Beverly Hills, California. The signal was located to a bi-directional amplifier ("BDA")¹ installed in a residence in Beverly Hills, California, 90212. On October 22, 2009, agents from this office met with you and you acknowledged operating the BDA in question to the Los Angeles agents.

Verizon Wireless has a license to provide cellular communications on 849.0 MHz in the Beverly Hills area. Section 22.383 of the Commission's Rules, which applies to public mobile service licensees like Verizon Wireless, provides that "[l]icensees may install in-building radiation systems without applying for authorization or notifying the FCC, provided that the locations of the in-building radiation systems are within the protected service area of the licensee's authorized transmitter(s) on the same channel or channel block."² A licensee's authority to install a BDA does not, without further authorization from the licensee, permit a subscriber to install a BDA. In response to an inquiry from a Los Angeles agent, Verizon Wireless reported that it did not provide you authorization to install a BDA.

Operation of radio transmitting equipment without a valid FCC authorization or license is a violation of Section 301 of the Communications Act of 1934, as amended,³ and may subject the

¹ Section 22.99 of the Commission's Rules defines "in-building radiation systems" as "[s]upplementary systems comprising low power transmitters, receivers, indoor antennas and/or leaky coaxial cable radiators, designed to improve service reliability inside buildings or structures located within the service areas of stations in the Public Mobile Services." 47 C.F.R. § 22.99

² 47 C.F.R. § 22.383.

³ 47 U.S.C. § 301.

responsible parties to substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.⁴ Because unlicensed operation creates a danger of interference to important radio communications services and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

UNLICENSED OPERATION MUST BE DISCONTINUED IMMEDIATELY.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC or have obtained consent from a licensed Common Carrier. To resolve the issues with respect to your authority to operate this device, and pursuant to Section 403 of the Communications Act of 1934, as amended,⁵ provide an explanation as to what has been done to correct the interference issue and to ensure that it will not recur; provide any agreements made with any cellular carrier to operate the system and include any relevant documents. Identify the make, model and serial number of each piece of equipment including the antennas if applicable.

Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), 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. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Nader Haghghat
District Director
Los Angeles Office
Western Region
Enforcement Bureau

Attachments:

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

⁴ See 47 U.S.C. §§ 401, 501, 503, 510.

⁵ 47 U.S.C. § 403.