
Federal Communications Commission

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

In the Matter of)	
)	File No.: EB-09-AT-0069
Sonic Drive-In Restaurant)	
)	Citation No.: C201032480001
Portland, TN, 37148)	

**CORRECTED COPY
CITATION**

Released: January 29, 2010

By the District Director, Atlanta Office, South Central Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"),¹ to Sonic Drive-In Restaurant in Portland, Tennessee, for violation of Section 15.5(b) of the Commission's Rules ("Rules").

2. Investigation by the FCC's Atlanta Office of the Enforcement Bureau revealed that on December 23-29, 2009, Sonic Drive-In Restaurant ("Sonic") in Portland, Tennessee operated an OPTEC LED sign, Model No. 2040-5-RGB-Z-H-D-4896, which generated a signal which caused harmful interference to the international distress frequency band of 406-406.1 Mhz and specifically, 406.025 Mhz. When informed of the harmful interference, Sonic immediately turned off the sign and left it off until it could be repaired by the sign manufacturer.

3. Section 15.5(b) of the Commission's Rules ("Rules") states that "Operation of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused."² Harmful interference is defined as "[a]ny emission, radiation or induction that endangers the functioning of a radio navigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radio communications service."³ Section 15.5(c) of the Rules provides 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."⁴

4. Future violations of the Act or the Commission's Rules may subject the violator to substantial monetary forfeitures,⁵ seizure of equipment through *in rem* forfeiture action, and criminal sanctions, including imprisonment.⁶

5. Sonic or its representative may request an interview at the closest FCC Office, which is Federal Communications Commission, Atlanta Field Office; 3575 Koger Blvd.; Suite

¹ 47 U.S.C. § 503(b)(5).

² 47 C.F.R. § 15.5(b).

³ 47 C.F.R. § 15.3(m).

⁴ 47 C.F.R. § 15.5(c).

⁵ 47 C.F.R. § 1.80(b)(3).

⁶ 47 U.S.C. §§ 401, 501, 503, 510.

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320; Duluth, GA 30096.⁷ You may contact this office by telephone, (XXX) XXXX-XXXX to schedule this interview, which must take place within 14 days of this Citation. Sonic may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violation outlined above. Please reference file number EB-09-AT-0069 when corresponding with the Commission.

6. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.⁸ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.⁹

7. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Sonic Drive-In Restaurant at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

Douglas G. Miller
District Director, Atlanta Office
South Central Region
Enforcement Bureau

⁷47 U.S.C. § 503(b)(5).

⁸See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

⁹See 18 U.S.C. § 1001 *et seq.*