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**Federal Communications Commission**

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

In the Matter of	)	
	)	File No.: EB-09-DL-0096
BizCom	)	
	)	Citation No.: C201032500001
Aubrey, Texas 76227	)	

**CITATION**

**Released:** February 5, 2010

By the District Director, Dallas 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”),<sup>1</sup> to BizCom for marketing in the United States unauthorized radio frequency devices in violation of Section 302(b) of the Act,<sup>2</sup> and Section 2.803 of the Commission’s Rules (“Rules”).<sup>3</sup> As explained below, future violations of the Commission’s rules in this regard may subject your company to monetary forfeitures.

2. Investigation by the FCC’s Dallas Office revealed that on July 28, 2009, BizCom sold to and installed two “cell to tower jamming units” at End Zone Athletics, Arlington, Texas.

3. Section 302(b) of the Act provides that “[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.” Section 2.803(a)(1) of the Commission’s implementing regulations provides that:

no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless ... [i]n the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.

Additionally, Section 2.803(g) of the Rules provides in pertinent part that:

[R]adio frequency devices that could not be authorized or legally operated under the current rules ... shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed absent a license issued under part

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<sup>1</sup> 47 U.S.C. § 503(b)(5).

<sup>2</sup> 47 U.S.C. § 302a(b).

<sup>3</sup> 47 C.F.R. § 2.803.

5 of this chapter or a special temporary authorization issued by the Commission.<sup>4</sup>

4. Pursuant to Section 15.201(b) of the Rules,<sup>5</sup> intentional radiators<sup>6</sup> must be authorized in accordance with the Commission's certification procedures prior to the initiation of marketing<sup>7</sup> in the U.S. It does not, however, appear that the above-cited jammer is capable of receiving a grant of certification. In this regard, the main purpose of the jammer is to block or interfere with radio communications. Such use is clearly prohibited by Section 333 of the Act,<sup>8</sup> which 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." 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 (XXX) XXXX-XXXXthus, this device cannot comply with the FCC's technical standards and therefore cannot be certified or marketed.

5. **If, after receipt of this citation, you violate the Communications Act or the Commission's Rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed \$16,000 for each such violation or each day of a continuing violation.**<sup>10</sup>

6. If you choose to do so, you may respond to this citation within 30 days from the date of this letter either through (1) a personal interview at the Commission Field Office nearest to your place of business, or (2) a written statement. Your response should specify the actions that BizCom is taking to ensure that it does not violate the Commission's rules governing the marketing of radio frequency jamming devices in the future and reference file number EB-09-DL-0096. The nearest Commission Field Office is located in Dallas, Texas.<sup>11</sup> You may contact this office by telephone, (214) 575-6361, to schedule this interview, which must take place within 30 days of this Citation.

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<sup>4</sup> 47 C.F.R. § 2.803(g).

<sup>5</sup> 47 C.F.R. § 15.201(b).

<sup>6</sup> Section 15.3(o) of the Rules defines an "intentional radiator" as a "device that intentionally generates and emits radio frequency energy by radiation or induction." 47 C.F.R. § 15.3(o).

<sup>7</sup> Section 2.803(e)(4) of the Rules defines "marketing" as the "sale or lease, or offering to sale or lease, including advertising for sale or lease, or importation, shipment or distribution for the purpose of selling or leasing or offering for sale or lease." 47 C.F.R. § 2.803(e)(4).

<sup>8</sup> 47 U.S.C. § 333.

<sup>9</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>10</sup> See 47 C.F.R. § 1.80(b)(3).

<sup>11</sup> 47 U.S.C. § 503(b)(5).

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7. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.<sup>12</sup> Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.<sup>13</sup>

8. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to BizCom at its address of record.

### FEDERAL COMMUNICATIONS COMMISSION

James D. Wells  
District Director, Dallas Office  
South Central Region  
Enforcement Bureau

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<sup>12</sup> See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

<sup>13</sup> See 18 U.S.C. § 1001 *et seq.*