



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

Kansas City Field Office
520 NE Colbern Road
Lee's Summit, MO 64086

March 11, 2010

Terry Kieffer
Plastics Unlimited, Inc.
303 1st Street NW
Preston, IA 52069

NOTICE OF UNLICENSED OPERATION

Case Number: EB-10-KC-0016
Document Number: W201032560001

On February 3, 2010, US Cellular confirmed by direction finding techniques that radio signals on 820 - 850 MHz were emanating from 303 1st Street NW, Preston, IA. Public records indicate you are the owner of this location. On February 22, 2010, US Cellular visited you and confirmed that you had a bi-directional amplifier ("BDA") or signal booster in use.¹ On March 5, 2010, in response to an interference complaint from US Cellular, an agent from this office contacted you and you admitted to operating a bi-directional amplifier ("BDA") or signal booster from your location.

US Cellular has a license to provide cellular communications on 825 - 835 MHz. Section 22.383 of the Commission's Rules, which applies to public mobile service licensees like US Cellular, 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 permit a subscriber to install a BDA, unless that subscriber has received explicit authorization from the licensee to do so. In response to an inquiry from an FCC agent, US Cellular reported that it did not provide you authorization to install a BDA. [Or You were unable to provide the FCC agent with evidence that you had authorization from the US Cellular 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 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.

¹ Section 22.99 of the Rules defines "signal booster" as a "stationary device that automatically reradiates signals from base transmitters without channel translation, for the purpose of improving the reliability of existing service by increasing the signal strength in dead spots." 47 C.F.R. § 22.99.

² 47 C.F.R. § 22.383.

³ 47 U.S.C. § 301.

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

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.

Robert C. McKinney
District Director
Kansas City Field Office

Attachments:

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