



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

Miami Office
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March 23, 2010

Stephen Pearson
Marathon, FL

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

Case Number: EB-10-MA-0050
Document Number: W201032600025

The Commission's Miami Office of the Enforcement Bureau received a complaint from AT&T that radio signals on 840 MHz – 900 MHz and other licensed frequency bands were emanating from a cell phone jamming device located at your auto shop, which were causing harmful interference to their system. AT&T is licensed to provide cellular communications in the 824-849 and 869-894 MHz frequency bands. On March 19, 2010, agents from this office inspected your business and observed a cell phone jamming device mounted on the wall inside your shop located at 2525 Overseas Highway, Marathon, FL 33050. The device was not on at the time. During the inspection, you admitted that you were operating the cell phone jamming device, and stated you would not turn the unit back on. AT&T reported that with the unit powered down, the interference was not present.

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").¹ In addition, radio transmitting equipment must comply with the Commission's Rules ("Rules").² 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.³ 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.⁴ The Commission has issued two Public Notices specifically stating that the sale and use of transmitters designed to prevent, jam or interfere with

¹ 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.*

² 47 C.F.R. Part 2, Subpart J.

³ 47 U.S.C. § 333.

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

the operation of cellular and personal communications service ("PCS") telephones are unlawful.⁵ Section 303(n) of the Act also authorizes agents of the Commission to inspect all radio installations to determine compliance with Commission rules.⁶

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

You may contact this office if you have any questions.

Steven DeSena
Resident Agent
Miami Office

Attachments:

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

⁵ 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.

⁶ 47 U.S.C. § 303(n).

⁷ 47 U.S.C. §§ 301, 302a(b), 333.

⁸ See 47 U.S.C. §§ 401, 501, 503, 510.

⁹ 5 U.S.C. § 552a(e)(3).