FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
South Central Region

Houston Office
9597 Jones Road, #362
Houston, TX 77065

August 13, 2010

Via Certified Mail: 7009 3410 0000 1986 8732

NSN Wireless LP
Houston, Texas

NOTICE OF UNLICENSED OPERATION

Case Number: EB-10-HU-0050
Document Number: W201032540006

On June 17, 2010, while investigating interference to the Federal Aviation Administration ("FAA") Terminal Doppler Weather Radar that serves the George Bush Intercontinental Airport, agents from the Houston Office met with several companies with radio transmitting equipment located on the rooftop of the San Felipe Plaza at 5847 San Felipe Road in Houston, TX, the source of the interfering signals. During an inspection of your Unlicensed National Information Infrastructure ("U-NII) equipment, the agents, accompanied by a NSN radio technician, observed that the dynamic frequency selection ("DFS") functionality of your equipment was disabled while operating on the frequencies 5.530 GHz and 5.540 GHz. The DFS functionality was enabled by one of your technicians during the FCC's inspection.

Radio stations must be licensed by the Federal Communications Commission ("FCC") pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq*.

Nonlicensed operation pursuant to Part 15 of the FCC's rules, however, is conditioned upon compliance with all applicable regulations in the subpart, 47 C.F.R. § 15.1(b). U-NII devices are required to have DFS functionality enabled for any operation in the 5.25 GHz – 5.35 GHz and the 5.47 GHz – 5.725 GHz bands. *See* 47 C.F.R. § 15.407(h)(2). Accordingly, your operation on the frequencies 5.530 GHz and 5.540 GHz was not in compliance with the requirements of Part 15 of the FCC's rules and should therefore be licensed by the FCC. The FCC has no record of a license being issued to you to operate a transmitter on 5.530 GHz or 5.540 GHz from this location. Thus, your operation was in violation of 47 U.S.C. § 301.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*See* 47 U.S.C. §§ 401, 501, 503 and 510).

UNLICENSED OPERATION OF A U-NII DEVICE ON 5.530 GHz OR 5.540 GHz MUST NOT RESUME. NONLICENSED OPERATION OF A PART 15 DEVICE MAY NOT RESUME UNLESS YOU ARE IN FULL COMPLIANCE WITH PART 15 OF THE FCC'S RULES.

You have ten (**10**) days from the date of this notice to respond concerning your operation of these Part 15 devices. Please provide the makes and models of the U-NII devices in use by you on the rooftop of the San Felipe Plaza building rooftop on June 17, 2010. Your response should also describe the steps you are taking to ensure that your operation does not interfere with the TDWR that serves the George Bush Intercontinental Airport, as well as any TDWR serving any other airport. 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 FCC'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.

Be advised that this warning does not preclude this office from pursuing additional sanctions based upon our investigation of this incident.

You may contact this office if you have any questions.

Stephen P. Lee
Resident Agent
Houston Office

Attachments:
Excerpts from the Communications Act of 1934, As Amended