



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION**

Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

October 4, 2010

Karl Girton
Millville, Pennsylvania

NOTICE OF UNLICENSED OPERATION

Case Number: EB-10-PA-0248
Document Number: W201132400001

On September 21 2010, in response to an interference complaint from AT&T Mobility (“AT&T”), agents from this office confirmed by direction finding techniques that radio signals on 831.2125 MHz were emanating from your residence in Millville, Pennsylvania. Public records indicate you are the owner of this residence. On September 21, 2010, an agent from this office inspected your radio station and found a bi-directional amplifier (“BDA”) or signal booster in use.¹ At the time of the inspection, the BDA was in operation and you chose to continue operating the device in connection with the service you receive from Verizon Wireless. Later that day, the agent received a phone call from you stating that you turned off the BDA. On September 24, 2010, AT&T confirmed that the BDA was turned off.

AT&T has a license to provide cellular communications in the 824 - 835 MHz band. Section 22.383 of the Commission's Rules, which applies to public mobile service licensees like AT&T, 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, Verizon Wireless reported that it did not provide you authorization 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

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.

important radio communications services and may subject the operator to severe penalties, this warning emphasizes the importance of complying strictly with these legal requirements.

UNLICENSED OPERATION MUST NOT RESUME.

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.

Gene J. Stanbro
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

Attachments:

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

⁵ 47 U.S.C. § 403.