



**FEDERAL COMMUNICATIONS COMMISSION  
ENFORCEMENT BUREAU  
WESTERN REGION**

**San Diego Office**  
4542 Ruffner St, Suite 370  
San Diego, CA 92111

March 31, 2011

Manchester Financial Group, Inc.  
San Diego, CA

**NOTICE OF UNLICENSED OPERATION**

Case Number: EB-11-SD-0067  
Document Number: W201132940003

On March 10, 2011, the San Diego District Office received a complaint from AT&T Wireless Services ("AWS") concerning an interfering signal on the frequency range from 824.0 MHz to 830.0 MHz that was degrading communications to their cellular radio signals in the area of Carmel Valley in San Diego, California. AWS engineers reported that they had traced the interference to a bi-direction amplifier ("BDA"),<sup>1</sup> installed at the Manchester Financial Group Building located within the compound of The Grand Del Mar Resort, San Diego, California. In response to the interference complaint, agents from the San Diego Office, using mobile direction finding techniques, confirmed that source of interference was emanating from the Manchester Financial Group Building.

Section 22.383 of the Commission's Rules,<sup>2</sup> which applies to Public Mobile Services licensees like AT&T Wireless, provides that "[l]icensees may install and operate 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." A licensee's authority to install a BDA does not, without further authorization from the licensee, permit a subscriber to install a BDA.

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<sup>1</sup> Section 22.99 of the Commission's Rules defines "in-building radiation systems" as "[s]upplementary systems comprising low power transmitters, receivers, indoor antennas and/or leaky coaxial cable radiators, designed to improve service reliability inside buildings or structures located within the service areas of stations in the Public Mobile Services." 47 C.F.R. § 22.99.

<sup>2</sup> 47 C.F.R. § 22.383.

AT&T Wireless has informed the Commission that it did not provide you an authorization to install a BDA. Furthermore, Commission records show no license issued for operation of a radio station at this location in the 800 MHz band.

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,<sup>3</sup> and may subject the responsible parties to substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.<sup>4</sup> 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.

**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 issue with respect to your authority to operate this device, and pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>5</sup> provide an explanation as to what has been done to correct the interference issue and to ensure that it will not recur; provide the equipment authorization for the equipment involved, and 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.

James T. Lyon  
Acting District Director  
San Diego Office  
Western Region  
Enforcement Bureau

Attachments:

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

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<sup>3</sup> 47 U.S.C. § 301.

<sup>4</sup> See 47 U.S.C. §§ 401, 501, 503, 510.

<sup>5</sup> 47 U.S.C. § 403.