



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION**

San Francisco District Office
5653 Stoneridge Dr., Ste 105
Pleasanton, CA 94588-8543

April 22, 2011

Tommy Nguyen
Santa Clara, CA 95054

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

Case No.: EB-11-SF-0058
Document Number: W201132960003

On April 12, 2011, in response to a complaint of interference, an agent from the Enforcement Bureau's San Francisco office visited your residence in Santa Clara, California, and determined that radio signals on 850-894 MHz, 925-960 MHz, 1805 – 1990 MHz, and 2110 – 2170 MHz had originated from a radio transmitter at that location. The device in question was designed to jam or intentionally interfere with licensed radio communications in the cellular and personal communications service ("PCS") radio services as well as other licensed frequency bands in operation. During the inspection, in an interview with the San Francisco agent, you admitted that you operated the jamming device at your place of residence, and that you have ceased operation of the device.

Persons operating or using radio transmitters must be licensed or authorized by the FCC, pursuant to Section 301 of the Communications Act of 1934, as amended.¹ In addition, radio transmitting equipment must comply with FCC 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 of the Commission's rules, prohibit the manufacture, importation, marketing, sale or operation of devices deliberately designed to jam or disrupt wireless communications.⁴ The Commission has

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.

issued two Public Notices specifically stating that the sale and use of transmitters designed to prevent, jam or interfere with the operation of cellular and PCS telephones is unlawful.⁵

The operation of the device utilized by you may constitute a violation of Sections 333, 302(b), and 301 of the Act, as described above.⁶ Such operation may subject you to substantial monetary forfeitures, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment.⁷ Because unauthorized 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.

**UNAUTHORIZED OPERATION OF THIS 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 notice. 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.⁸ This will include any information that you disclose in your reply.

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

Thomas N. Van Stavern
District Director
San Francisco District Office
Western Region
Enforcement Bureau

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. §§ 301, 302a(b), 333.

⁷ See 47 U.S.C. §§ 401, 501, 503, 510.

⁸ 5 U.S.C. § 552a(e)(3).