



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
WESTERN REGION**

Seattle Office
11410 NE 122nd Way, Suite 312
Seattle, Washington 98034-6927

May 25, 2011

Jerry Parks
Seattle, WA

NOTICE OF UNLICENSED OPERATION

Case Number: EB-11-ST-0025
Document Number: W201132980001

On April 28, 2011, in response to an interference complaint from AT&T Wireless on the frequency range from 830.0 MHz to 834.0 MHz in Seattle, Washington, an agent from the Enforcement Bureau's Seattle Office located the signal transmitting from a pleasure vessel "Restless" moored at the end of Q Dock in Shilshole Marina at 7001 Seaview Avenue NW, Seattle Washington. During the inspection the Seattle agent observed a bi-directional amplifier ("BDA")¹ installed inside the cabin of the vessel.

AT&T Wireless has a license to provide cellular services in the frequency range 830.0 MHz to 834.0 MHz in the Seattle area. Section 22.383 of the Commission's Rules,² 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. In response to an inquiry from a Seattle agent, AT&T 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

¹ Typically, a BDA is one component in an in-building radiation system comprising of low power transmitters, receivers, indoor antennas and/or leaky coaxial cable radiators, designed to improve service reliability inside buildings or structures. See 47 C.F.R. § 22.99.

² 47 C.F.R. § 22.383.

³ 47 U.S.C. § 301.

radio equipment, and criminal sanctions including imprisonment.⁴ 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,⁵ 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.

FEDERAL COMMUNICATIONS COMMISSION

Kristine A. McGowan
District Director
Seattle Office
Western Region
FCC Enforcement Bureau

Attachments:

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

⁴ See 47 U.S.C. §§ 401, 501, 503, 510.

⁵ 47 U.S.C. § 403.