

**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION**

Columbia Office
9200 Farm House Lane
Columbia, MD 21046

June 6, 2011

James K. Tepfenhart
Felton, DE

**WARNING FOR UNAUTHORIZED RADIO OPERATION
AND INTERFERENCE TO LICENSED RADIO STATIONS**

**Case Number: EB-11-CF-0056
Document Number: W201132340004**

This office has information that you have operated a radio transmitting device designed to jam cell phone transmissions on a school bus in the Dover, Delaware area which has caused interference to licensed communications services. During a telephone conversation on May 23, 2011 with the owner of the school bus company, you admitted that you own a cell phone jammer and that you had previously used the jammer to prevent students from using their cell phones on your school bus. You also reported that you have not used the jammer in several months.

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 issued two Public Notices and an Enforcement Advisory specifically stating that the sale

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.

and use of transmitters designed to prevent, jam or interfere with the operation of cellular telephones, personal communications service (PCS) telephones, and Global Positioning System ("GPS") transmissions 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.

Soloman Satche
District Director
Columbia Office

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; *Cell Jammers, GPS Jammers, and Other Jamming Devices, CONSUMERS BEWARE: It is Unlawful to Use "Cell Jammers" and Other Equipment that Blocks, Jams, or Interferes with Authorized Radio Communications in the U.S.*, Enforcement Advisory, DA 11-250 (2011).

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).

CC: Dawson Bus Service Inc.
Camden, DE.