



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
South Central Region

San Juan Office
US Federal Building Room 762
San Juan, PR 00918-1731
787-766-5568

March 11th, 2016

Via Certified Mail:

Satell SJNet, Corp.
C/o Enzo Hernández
PO Box 194168
San Juan, PR 00919

**NOTICE OF UNLICENSED OPERATION AND
NOTICE OF HARMFUL INTERFERENCE**

Case Number: EB-FIELDSCR-16-00020660
Document Number: W2016326832680001

On January 28th, 2016, in response to information provided by the Federal Aviation Administration (FAA) that the Terminal Doppler Weather Radar (TDWR) that serves the San Juan International Airport had been receiving interference on or adjacent to 5.610 GHz, the FCC's San Juan Office of the Enforcement Bureau (San Juan Office) conducted an investigation in the municipality of San Juan, Puerto Rico. An agent from this Office confirmed by direction finding techniques that radio emissions centered on frequency 5.590 and 5.630 GHz were emanating from a guyed radio tower located at the Camino Morcelo communications site. The tower was located at the GPS coordinates of 18° 18' 56.92" N 066° 03' 20.60" W, the location of two of your Unlicensed National Information Infrastructure (U-NII) Ubiquity devices, model Rocket 5AC Lite with FCC ID SWX-R5ACL. When the center frequencies of your U-NII devices were moved away from 5.590 and 5.630 GHz; and away from the TDWR operational band, the interference to the TDWR was mitigated.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules. Non-licensed operation pursuant to Part 15 of the FCC's rules, however, is conditioned upon compliance with all applicable regulations in the subpart, 47 C.F.R. § 15.1(b). All intentional radiators operating pursuant to Part 15 of the FCC's rules must be certified for use as a Part 15 device, 47 C.F.R. § 15.201(b).

The Ubiquiti Rocket 5AC Lite access point devices are not authorized for use in the TDWR band without Dynamic Frequency Selection (DFS) nor are they authorized in point-to-point operation with high gain antennas in the TDWR operational band¹. Accordingly, your operation of the Ubiquiti Rocket 5AC Lite device on frequencies 5.590 GHz and 5.630 GHz does not comply with the requirements of Part 15 of the

¹ According to its equipment authorization, FCC ID SWX-R5ACL, the Ubiquiti Rocket 5 AC Lite device is authorized pursuant to Section 15.247 of the FCC's Rules, 47 C.F.R. § 15.247, to operate only in the 5480 to 5715 MHz band as an access point.

FCC's rules and should therefore be licensed by the FCC. The FCC has no record of a license being issued to you to operate a transmitter on 5.590 or 5.630 GHz at the Camino Morcelo communications site. Thus, your operation was in violation of 47 U.S.C. § 301.

Non-licensed operation of a U-NII device is also subject to the condition that it must not cause harmful interference and, if harmful interference occurs, operation of the device must cease. *See* 47 C.F.R. §§ 15.5(c), 15.405. Harmful interference is defined as “[a]ny emission, radiation or induction that endangers the functioning of a radio navigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radio communications service.” 47 C.F.R. § 15.3(m).

You are hereby notified that your Ubiquiti Rocket 5AC Lite devices operating adjacent to 5.610 GHz were causing harmful interference to the TDWR for the San Juan International Airport and that your operation of these devices must not resume, until the interference can be resolved. You are also hereby warned that operation of radio transmitting equipment without a valid radio station authorization, including non-certified equipment or modified equipment which voids the certification, and/or operation of otherwise authorized equipment that continues to cause harmful interference after your receipt of this warning, constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*See* 47 U.S.C. §§ 401, 501, 503 and 510.)

UNLICENSED OPERATION ON FREQUENCY 5.590 and 5.630 GHZ MUST NOT RESUME. NONLICENSED OPERATION OF A U-NII DEVICE MAY NOT RESUME UNLESS YOU ARE IN FULL COMPLIANCE WITH PART 15 OF THE FCC'S RULES AND UNTIL YOU RESOLVE THE HARMFUL INTERFERENCE.

You have ten (10) days from the date of this notice to respond with any evidence that your transmitter is not the source of the interference to the TDWR. Your response should describe the steps you are planning to take to eliminate interference to the TDWR serving the San Juan International Airport. 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.

Reuben Jusino
Resident Agent
San Juan Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", July 2003