



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION 2

Dallas Office
9330 LBJ Freeway, Suite 1170
Dallas, Texas 75243

May 31, 2016

Sooner Wireless, LLC
Norman, Oklahoma

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDSCR-16-00021776
Document Number: W201632500010

On May 3, 2016, in response to a complaint from a wireless internet service provider that serves Norman, Oklahoma, the FCC's Dallas Office of the Enforcement Bureau (Dallas Office) conducted an investigation. Agents from the Dallas Office confirmed by direction finding techniques and through an inspection that radio emissions centered on frequencies 5.200 GHz, 5.330 GHz, and 5.785 GHz were emanating from the KGOU tower site located at coordinates of 35°17'20.53"N, 97°21'27.43"W. This is the location of three of your Unlicensed National Information Infrastructure Ubiquity devices, model Rocket M5 with FCC ID SWX-RM5, and model AirFiber 5X with FCC ID SWX-AF5X.

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 (Rules). Non-licensed operation pursuant to Part 15 of the 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 Rules must be certified for use as a Part 15 device, 47 C.F.R. § 15.201(b).

The Ubiquiti Rocket M5 access point devices are not authorized for use in the frequency bands 5.180 – 5.220 GHz and 5.775 – 5.795 GHz.¹ Accordingly, your operation of the Ubiquiti Rocket M5 devices on frequencies 5.200 GHz and 5.785 GHz is unauthorized and in violation of 47 U.S.C. § 301.

¹ According to its equipment authorization, FCC ID SWX-RM5, the Ubiquiti Rocket M5 device is authorized pursuant to Section 15.401 of the FCC's Rules, 47 C.F.R. § 15.401, to operate in the 5255 to 5340 MHz band and 5655 to 5715 MHz band as an access point.

The Ubiquiti AirFiber 5X access point device is not authorized for use in the frequency band 5.310 – 5.350 GHz.² Accordingly, your operation of the Ubiquiti AirFiber 5X device on frequency 5.330 GHz is unauthorized and is in violation of 47 U.S.C. § 301.

You are 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, 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 OF THESE DEVICES MUST CEASE 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. 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.

Ronald Ramage
Regional Director
Region 2

Attachments:

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

² According to its equipment authorization, FCC ID SWX-AF5X, the Ubiquiti AirFiber 5X device is authorized pursuant to Section 15.401 of the FCC's Rules, 47 C.F.R. § 15.401, to operate in the 5255 -5342 MHz band as an access point.