

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

December 20, 2017

Jack Long
d/b/a Circle City CB
(Address withheld)
(Address withheld)

**Re: WARNING NOTICE
 EB-FIELDNER-17-00025785**

Dear Mr. Long:

It has come to the attention of the Federal Communications Commission that Circle City CB is marketing unauthorized radio frequency devices in violation of Section 302(b) of the Act¹ and Section 2.815(b) of the Commission's Rules.²

Federal law requires that radio frequency devices must be certified in accordance with the Commission's technical standards before they can be marketed in the United States. Section 302(b) of the Act provides that "[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section."³ Section 2.815(b) of the Commission's Rules provides that external radio frequency power amplifiers capable of operation on frequencies below 144 MHz may not be offered for sale unless they have first been authorized in accordance with the Commission's certification procedures.⁴ Section 2.815(b)(1) of the Rules prohibits persons from offering for sale any external radio frequency power amplifier⁵ that is capable of amplification in the frequency bands between 26-28 MHz.⁶

In particular, the Commission received a complaint that Circle City, a retailer of Citizen Band (CB) radios, linear amplifiers, and radio accessories, was selling CB linear amps. Based upon the information provided in the complaint, it appears that Circle City violated Section 302(b) of the Act and Section 2.815(b) of the Rules by marketing and offering for sale unauthorized radio frequency devices that do not have valid FCC

¹ 47 U.S.C. § 302(b).

² 47 C.F.R. § 2.815(b).

³ 47 U.S.C. § 302(b).

⁴ 47 C.F.R. § 2.815(b).

⁵ An external radio frequency power amplifier is defined as "any device which, (1) when used in conjunction with a radio transmitter as a signal source is capable of amplification of that signal, and (2) is not an integral part of a radio transmitter as manufactured." See 47 C.F.R. § 2.815(a).

⁶ *Id.*

certifications and, to the extent that these devices operate in the frequency bands between 26-28 MHz, are not eligible to received FCC certification.⁷

ANY UNAUTHORIZED SALE OF THESE RADIO DEVICES MUST CEASE IMMEDIATELY.

You have ten (10) days from the date of receipt of this warning to respond to this office. The response must contain a statement of the specific action(s) taken to ensure compliance with the Commission's rules and should include a time line for completion of any pending corrective action(s). **You are directed to support your response with a signed and dated affidavit or declaration under penalty of perjury, verifying the truth and accuracy of the information submitted in your response.** Your response should be sent to: Federal Communications Commission, Laura Smith, Esq., 1270 Fairfield Road, Gettysburg, PA 17325 and reference the listed case number.

If, after receipt of this Warning Notice, Circle City again violates Section 302(b) of the Act or Section 2.815(b) of the Rules by engaging in conduct of the type described herein, it may be subject to severe penalties, including monetary forfeiture (fines).⁸

In an inquiry of this type we are required to notify you that under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), the Commission's staff will use all relevant information before it, including information you disclose in your reply, to determine what, if any, enforcement action is warranted in this matter.

Sincerely,

Laura L. Smith, Esq.
Special Counsel
Spectrum Enforcement Division
Enforcement Bureau

⁷ 47 U.S.C. § 302(b); 47 C.F.R. § 2.815(b).

⁸ Fines normally range from \$7,500 to \$10,000.