



Federal Communications Commission
Enforcement Bureau
Region Two

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September 30, 2022

BY FIRST CLASS MAIL, UPS, AND CERTIFIED MAIL

Nexogy, Inc.
Coral Gables, FL 33134

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

Case Number: EB-FIELDSCR-22-00033669

The Federal Communications Commission (FCC or Commission) received a complaint from Miami-Dade County concerning interference affecting the frequency of 5945 MHz in Miami, Florida. On April 28, 2022, Agents from the Miami Office of the FCC's Enforcement Bureau (Bureau) conducted an investigation and determined that the source of the interference to Miami-Dade County was a wideband signal centered on 5950 MHz. The signal was emanating from a Mimosa B5c transmitter (FCC ID: 2ABZJ-100-00014PS) located at 9066 SW 73rd Ct. Miami, FL 33156 operated by Nexogy, Inc. After the Agents notified Nexogy, Inc of the interference issue, Nexogy, Inc turned off their transmitter. Soon after, Agents verified that the interference to Miami-Dade County ceased.

Radio stations must be licensed by the FCC pursuant to section 301 of the Communications Act of 1934, as amended (Act).¹ 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.² Non-licensed operation pursuant to part 15 of the Commission's rules, however, is conditioned upon compliance with all applicable regulations in the subpart.³ All intentional radiators operating pursuant to part 15 of the FCC's rules must be certified for use as a part 15 device,⁴ and failure to operate such device consistent with its equipment authorization violates part 15 of the Commission's rules.⁵

The investigation determined the transmitter is certified as a part 15 device and labeled with FCC ID: 2ABZJ-100-00014PS. However, FCC records indicate the transmitter is authorized to operate only on

¹ 47 U.S.C. § 301.

² 47 CFR §§ 15.1, *et seq.*

³ 47 CFR § 15.1(b).

⁴ 47 CFR § 15.201(b).

⁵ 47 CFR § 15.1(c) ("Unless specifically exempted, the operation or marketing of an intentional or unintentional radiator that is not in compliance with the administrative and technical provisions in this part, *including prior equipment authorization*, as appropriate, is prohibited under section 302 of the Communications Act of 1934, as amended, and subpart I of part 2 of this chapter. The equipment authorization procedures are detailed in subpart J of part 2 of this chapter" (emphasis added)).

frequencies between 5165 – 5249 MHz, 5260 – 5320 MHz, 5500 – 5700 MHz, and 5745 - 5825 MHz. Accordingly, your operation of the Mimosa B5c transmitter on the frequency 5950 MHz does not comply with the equipment authorization requirements of part 15 of the FCC's rules, and the FCC has no record of a license being issued to you to operate a transmitter on 5950 MHz in Miami, Florida. Thus, your operation is in violation of section 301 of the Act⁶ and part 15 of the FCC's rules.

Had the transmitter been certified for operation on 5950 MHz, additional conditions would apply. Non-licensed operation of a part 15 device is subject to the condition that it must not cause harmful interference and, if harmful interference occurs, operation of the device must cease.⁷ 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 operating in accordance with this chapter.”⁸

Operation of radio transmitting equipment without a valid FCC authorization or license is a violation of section 301 of the Act⁹ and may subject the responsible parties to substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. Because unauthorized operation creates a danger of interference to important radio communications services and may subject the operator to severe penalties, this letter emphasizes the importance of complying strictly with these legal requirements.¹⁰

UNAUTHORIZED OPERATION OF THIS RADIO TRANSMITTING DEVICE AND ASSOCIATED HARMFUL INTERFERENCE MUST CEASE IMMEDIATELY AND MUST NOT RESUME.

You have ten (10) days from the date of this notice to respond concerning your operation of this part 15 device. Your response should describe the steps you are taking to avoid operating on unauthorized frequencies and preventing future interference. Your response should be sent to the address in the letterhead and reference the listed case number. Under the Privacy Act of 1974,¹¹ 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.

Dedrick Roybiskie
Regional Director, Region Two
Enforcement Bureau

⁶ 47 U.S.C. § 301.

⁷ 47 CFR §§ 15.5(c).

⁸ 47 CFR § 15.3(m).

⁹ 47 U.S.C. § 301.

¹⁰ See 47 U.S.C. §§ 401, 501, 503 and 510.

¹¹ 5 U.S.C. § 552a(e)(3).

Enclosures

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