Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
C.T.S. Technology Co., Limited	)	File No.: EB-SED-12-00005692
CTStechnologys.com	)	
Aiswa.com	)	NAL/Acct. No.: 201432100017
Shenzhen C.T.S Import and Export Co., Limited	)	
	)	FRN: 0023572043
Shenzhen, Guangdong,	)	
People's Republic of China	)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE AND ORDER

ILLEGAL MARKETING OF SIGNAL JAMMING DEVICES

Adopted: June 18, 2014 **Released: June 19, 2014**

By the Commission:

I. INTRODUCTION

1. In this landmark enforcement action, we aggressively address the illegal marketing of GPS, cell, and other signal jamming devices to U.S. consumers over the Internet. Jamming devices pose tangible threats to the integrity of U.S. communications infrastructure. They can endanger life and property by preventing individuals from making 9-1-1 or other emergency calls or disrupting the basic communications essential to aviation and marine safety. We find that C.T.S. Technology Co., Limited (C.T.S. Technology), a foreign manufacturer, illegally marketed nearly 300 models of signal jamming devices to consumers in the United States over more than two years. In some cases, the devices sold by C.T.S. Technology not only jammed the communications signals advertised, but also were potentially much more harmful, blocking communications far beyond the scope of those listed in their advertisements and marketing materials. C.T.S. Technology also apparently misled consumers, falsely claiming on its websites that certain signal jammers were approved by the FCC for consumer use. As confirmed by proactive market surveillance and an extensive undercover operation conducted by the FCC's Enforcement Bureau, these apparent violations are egregious, escalated over more than two years, and continue as of the date of this action. We therefore propose the maximum penalty permitted by statute of thirty-four million nine hundred and twelve thousand and five hundred dollars ($34,912,500). Given the relative ease with which U.S. consumers may purchase illegal jammers over the Internet, we will aggressively target the retail platforms, like C.T.S. Technology, that are conducting and enabling illegal activity.

2. Signal jamming devices (also referred to as signal jammers) operate by transmitting powerful radio signals that overpower, jam, or interfere with authorized communications. While these devices have been marketed with increasing frequency over the Internet, they have no lawful consumer use in the United States.[1] Jammers are not only designed to impede authorized communications and thereby interfere with the rights of legitimate spectrum users and the general public, their operations also

[1] We note, however, that there are several narrow exceptions that apply outside the context of U.S. consumer use. *See* 47 U.S.C. § 302a(c); 47 C.F.R. § 2.807(b), (d). For example, in very limited circumstances and consistent with applicable procurement requirements, jamming devices may be marketed to the U.S. federal government for authorized, official use. *See id*.

place the safety of the public at risk. For example, jammers can disrupt critical public safety communications, placing first responders like law enforcement and fire fighting personnel—as well as the public they are charged with protecting—at great risk. In order to protect the public and preserve unfettered access to and use of emergency and other communications services, the Communications Act of 1934, as amended (Communications Act or Act), generally prohibits the importation, use, marketing, manufacture, and sale of jammers in the United States.[2]

3. In issuing this Notice of Apparent Liability for Forfeiture and Order (NAL), we are mindful that jammer retailers and manufacturers—especially some based abroad—aggressively target U.S. consumers, offering free and expedited shipping deals and discounted prices, as well as incorrectly claim that jamming devices are legal in the U.S. Indeed, our market surveillance efforts reveal that these jammer retailers market devices that specifically jam U.S.-only wireless frequencies and misstate the intensity of the power levels and the frequencies of the signal jammers they offer. We are also aware that virtually every jammer available in this country originated elsewhere. Foreign entities therefore play a critical and primary role in facilitating the harms jammers cause domestically. It is thus critical to enforce our rules against offshore retailers and manufacturers who offer and sell such devices to consumers in the United States.

4. In addition to paying or contesting the proposed forfeiture, C.T.S. Technology should immediately implement any necessary measures to ensure compliance with the Act and the Federal Communications Commission's (Commission or FCC) rules (Rules). Without limiting the measures C.T.S. Technology can take, such compliance measures may include removing jamming devices from online displays that are accessible to U.S. consumers; expressly excluding consumers in the United States and its territories as potential customers in any online or print marketing material; implementing technical limitations that prevent any order processing system from accepting U.S. addresses for shipment; declining to otherwise complete any sales transaction involving consumers in the United States and its territories; and removing statements on its websites, directed to U.S. or other consumers, that the signal jammers it advertises for sale are certified or otherwise approved by the FCC, when, in fact, they are not.[3]

5. We also again warn U.S. consumers that importing a cell, GPS, or other signal jamming device (*i.e.*, purchasing such a device online and having it shipped into the United States via the U.S. mail or other transport or courier service) is unlawful and may subject them to civil and criminal penalties.[4] While the Commission has typically issued a warning to consumers who violate its importation rules, in the case of signal jammers, the Communications Act permits us to take a more aggressive approach—imposing monetary penalties in the first instance. We are prepared to do so.

II. BACKGROUND

6. C.T.S. Technology is a manufacturer and retailer of wireless communication products, including signal jamming devices.[5] C.T.S. Technology advertises these products on the Internet through

[2] *See* 47 U.S.C. §§ 301, 302a, 333. As noted above, the Communications Act makes an exception from these prohibitions for devices to be used by the United States Government, and for devices manufactured solely for export. 47 U.S.C. § 302a(c).

[3] We note that the term "consumers," as used herein, refers to individuals, businesses, organizations, and state and local governments, among others.

[4] *See*, *e.g.*, *Phonejammer.com*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 3827 (Enf. Bur. 2010). *See also* 18 U.S.C. § 1362 (prohibits willful or malicious interference to U.S. government communications; subjects the operator to possible fines, imprisonment, or both); 18 U.S.C. § 1367(a) (prohibits intentional or malicious interference to satellite communications; subjects the operator to possible fines, imprisonment, or both).

[5] *See* C.T.S. Technology website, available at http://www.CTStechnologys.com (last visited June 18, 2014); Aiswa website, available at http://www.aiswa.com (last visited June 18, 2014).

websites such as CTStechnologys.com and Aiswa.com, and on various third party platforms.[6] As part of its market surveillance efforts, the Spectrum Enforcement Division (Division) of the Enforcement Bureau (Bureau) observed numerous cell phone jammers and other signal jamming devices manufactured by C.T.S. Technology and offered for sale on the Aiswa.com website. C.T.S. Technology has also increased threefold the number of signal jammers it has advertised for sale to U.S. customers, first marketing 78 signal jammers, then 113 and, in September 2013, increasing to its current total of 285 different models.[7] The company has even gone so far as to falsely claim in its marketing materials that certain of its signal jammers have been approved by the FCC.[8]

7. These product offerings include GPS blockers for vehicles, high-tech signal blockers with remote control capabilities, jammers disguised as cigarette packs, other small, easily concealable cell phone jammers, as well as high-powered industrial jammers that have the potential to disrupt radio signals spanning areas larger than ten football fields.[9] In its online marketing materials, C.T.S. Technology emphasizes that its 100 watt GPS jammer is effective up to a distance of 1000 meters, which is more than one-half mile.[10] C.T.S. Technology further claims that the signal jammers it offers target various frequencies, services, and/or technologies, such as GPS, vehicle tracking systems, satellite radio, Code Division Multiple Access (CDMA), Global System for Mobile Communications (GSM), Wi-Fi, Bluetooth, Universal Mobile Telecommunications System (UMTS-3G), Long Term Evolution (LTE-4G), Integrated Digital Enhanced Network (iDEN), the Personal Handy-phone System (PHS), Digital Cellular Service (DCS), and General Packet Radio Service (GPRS).[11] And, it expressly claims specialized expertise in manufacturing cell phone jammers, touting its success in delivering such devices to consumers in the United States.[12]

8. In addition to aggressively advertising illegal signal jammers to U.S. consumers, C.T.S. Technology also sold illegal signal jammers to undercover Division personnel. Specifically, in 2012,

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[6] C.T.S. Technology also operates through the CTStechnologys.com website and markets its products on YouTube.com and Made-in-China.com.

[7] C.T.S. Technology has maintained jammer advertisements targeted at U.S. consumers for more than two years and has continually increased the number of jammer offerings. A sample of the 285 signal jammers illegally offered for sale to U.S. consumers by C.T.S. Technology is provided in Appendix A to this NAL. *See also* Aiswa website, available at http://www.aiswa.com/category-18-b0-RF+signal+jammers.html (last visited June 18, 2014).

[8] C.T.S. Technology lists in its specifications for a number of its signal jammers that they are "Approved: CE/FCC". *See, e.g.*, Aiswa website, available at http://www.aiswa.com/goods-4760-High+Power+Cellular+Signal+Remote+Control+Jammer+.html (last visited June 18, 2014). As detailed *infra*, the signal jammers offered by C.T.S. Technology cannot be certified or authorized because their primary purpose is to block or interfere with authorized radio communications.

[9] The signal jammers offered for sale by C.T.S. Technology on the www.Aiswa.com website include models described as "6 bands 25W waterproof GPS L1 L2 L5 GSM 3G Jammers," "5 Antenna Cell Phone jammer + Remote Control (3G, GSM, CDMA, DCS)," "Super GPS Jammers 100W output up to 500-1000M range," "15-20m Portable WiFi and 3G Cellphone Signal Jammer," and "Big power 3G Cell phone jammers with Battery."

[10] *See* Aiswa website, available at http://www.aiswa.com/goods-1466-Super+GPS+Jammers+100W+output+up+to+500~1000M+range.html (last visited June 18, 2014) ("[Jams] up to a distance of 500-1000M. It simply plugs into an ordinary cigarette lighter socket and is active immediately blocking all types of tracking and navigational devices.").

[11] *See* Aiswa website, available at http://www.aiswa.com (last visited June 18, 2014).

[12] *See*, *e.g.*, Aiswa website, available at http://www.aiswa.com/article-75-60W+Military+Communications+Jammers+Backpack+Jammer+CTSVIP6.html (last visited June 18, 2014) ("C.T.S Technology Co., Limited is a professional Military Jammer manufacturer and exporter in China. We are specializing in Military Jammer, Cell Phone Jammers and so on. These products are been delivered to Europe, United States, Asia, the Middle East, Russia, Africa etc. countries.").

Division personnel—using various aliases and posing as U.S. consumers—ordered a total of 10 high-powered signal jammers from the Aiswa.com website, providing U.S. billing and delivery addresses. C.T.S. Technology completed the online transactions, accepted payment, and shipped the signal jammers to the United States. Upon receipt of the signal jammers, the Commission's Office of Engineering and Technology conducted detailed tests of the signal jammers' capabilities and confirmed that the devices blocked authorized communications signals. Additional forensic testing conducted by external engineers also confirmed that the devices blocked authorized communications signals, including some frequencies beyond the scope of those listed in the advertisements.

III. APPLICABLE LAW AND VIOLATIONS

9. Federal law prohibits the advertising, sale, importation, and operation of signal jammers in the United States.[13] Section 333 of the Act states that "[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government."[14] 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."[15]

10. The applicable implementing regulations regarding the marketing and use of radio frequency devices, which are set forth in Sections 2.803, 2.805, 2.807, 15.1(c), 15.3(o), and 15.201 of the Rules, operate together to create a broad and robust framework to prevent the manufacture, importation, marketing, distribution (by sale or otherwise) and use of RF-generating devices, such as signal jammers, that can cause harmful interference to radio communications.[16] Section 2.803(b)(1) of the Rules provides in relevant part that:

> No person may market a radio frequency device unless . . . [f]or devices subject to authorization under certification, the device has been authorized in accordance with the rules in subpart J of this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.[17]

11. Moreover, pursuant to Section 15.201(b) of the Rules, intentional radiators[18] like signal jammers cannot be marketed in the United States or its territories unless they have first been authorized in accordance with the Commission's certification procedures.[19] Section 2.803(a) of the Rules defines

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[13] Section 302(a) of the Communications Act authorizes the Commission to "make reasonable regulations governing the interference potential of devices which in their operation are capable of emitting radio frequency energy by radiation, conduction, or other means in sufficient degree to cause harmful interference to radio communications." 47 U.S.C. § 302a(a). Section 302(b) prohibits the advertising, sale, importation, and operation of any communications device that does not comply with the regulations adopted by the Commission pursuant to Section 302. 47 U.S.C. § 302a(b).

[14] 47 U.S.C. § 333.

[15] *Id.* § 302a(b).

[16] 47 C.F.R. §§ 2.803, 2.805, 2.807, 15.1(c), 15.3(o), 15.201.

[17] *Id.* § 2.803(b)(1).

[18] An "intentional radiator" is a "device that intentionally generates and emits radio frequency energy by radiation or induction." *Id.* § 15.3(o).

[19] *See id.* § 15.201(b). Section 15.1(c) of the Rules also states that "the operation or marketing of an intentional . . . radiator that is not in compliance with the administrative and technical provisions in this part, including prior Commission authorization or verification, as appropriate, is prohibited under section 302 of the Communications Act of 1934, as amended, and [the Rules]." *Id.* § 15.1(c).

"marketing" as the "sale or lease, or offering for sale or lease, including advertising for sale or lease, or importation, shipment, or distribution for the purpose of selling or leasing or offering for sale or lease."[20]

12. Signal jammers, however, cannot be certified or authorized because their primary purpose is to block or interfere with authorized radio communications. Indeed, Section 333 of the Act clearly prohibits the use of devices designed and built for such a purpose.[21] Thus, signal jammers such as those offered by C.T.S. Technology cannot comply with the FCC's technical standards and therefore cannot be marketed lawfully to consumers in the United States or its territories. We again emphasize that under Section 302(b) of the Act, radio frequency devices like signal jamming devices are per se illegal because they are designed to compromise the integrity of the nation's communications infrastructure.[22] As such, signal jammers may only be marketed pursuant to the narrow statutory exceptions in Section 302(c) of the Act.[23] Furthermore, as the manufacturer of devices that require Commission authorization, C.T.S. Technology is obligated under our Rules to ensure that the devices complied with the Rules prior to marketing the devices to U.S. consumers.[24]

13. The evidence gathered by the Bureau in this case demonstrates that C.T.S. Technology marketed 285 models of signal jamming devices to U.S. consumers via its Aiswa.com website[25] over an extended period of time, utilizing a variety of advertising venues, including its alternate website CTStechnolgys.com. C.T.S. Technology indicates on the websites that it will ship (and has shipped) signal jammers to consumers within the United States.[26] In fact, the evidence shows that C.T.S. Technology completed the sale of 10 high-powered signal jamming devices to undercover Division personnel posing as U.S. consumers, and successfully shipped the devices into the United States. Extensive testing of these devices confirmed that they were indeed signal jammers that in some instances disrupted signals even beyond their designated frequency bands. Accordingly, we find that C.T.S. Technology apparently violated Section 302(b) of the Act and Sections 2.803 and 15.201(b) of the Rules by willfully and repeatedly marketing illegal radio frequency devices to consumers in the United States.[27]

IV. PROPOSED FORFEITURE

14. Section 503(b) of the Act provides that any person who willfully[28] or repeatedly[29] fails to comply substantially with the terms and conditions of any license, or willfully or repeatedly fails to comply

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[20] *Id.* § 2.803(a).

[21] *See* 47 U.S.C. § 333. We note that numerous other countries also restrict civilian use or operation of signal jammers, including Canada, the United Kingdom, Germany, Switzerland, and Australia.

[22] *See The Supply Room, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 4981, 4983–84, para. 7 (2013) (*Supply Room NAL)*; *Taylor Oilfield Mfg., Inc.*, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 4972, 4975, para. 7 (2013) (*Taylor Oilfield NAL*).

[23] *See supra* note 1.

[24] *See* 47 C.F.R. § 2.803; *see also infra* note 30.

[25] *See infra* Appendix A (sample of signal jammers marketed); Aiswa website, available at http://www.aiswa.com/category-18-b0-RF+signal+jammers.html (last visited June 18, 2014). In this regard, we note that C.T.S. Technology advertises in the English language, quotes prices in U.S. currency, accepts mailing addresses within the United States for the delivery of purchased goods through selection using a drop down menu and utilizes U.S. payment and delivery facilities to complete sales to individuals located in the United States. We also note that C.T.S. Technology consummated the sale of 10 jamming devices to undercover Division personnel located in the United States.

[26] *See supra* note 12.

[27] *See* 47 U.S.C. § 302a(b); 47 C.F.R. §§ 2.803, 15.201(b).

[28] Section 312(f)(1) of the Act defines "willful" as "the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate" the law. 47 U.S.C. § 312(f)(1). The legislative history of Section 312

(continued…)

with any of the provisions of the Act or of any rule, regulation, or order issued by the Commission thereunder, shall be liable for a forfeiture penalty.[30] Pursuant to the Commission's *Forfeiture Policy Statement* and Section 1.80 of the Rules, the applicable base forfeiture amount for the marketing of unauthorized equipment involved in this case is $7,000 per violation.[31]

15. The Commission retains the discretion, however, to issue a higher or lower forfeiture than provided in the *Forfeiture Policy Statement* or to apply alternative or additional sanctions as permitted by the statute.[32] Pursuant to this statutory and regulatory authority, the Commission has promulgated (consistent with the requirements of the Debt Collection Improvement Act of 1996[33]) different maximum forfeitures, depending on the type of violator and violations.[34] The maximum for violations of the signal jamming prohibition (including the marketing at issue here) is $16,000 for each violation.[35] As provided in Section 1.80(b)(7) of the Commission's Rules, in the case of a *continuing*

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clarifies that this definition of willful applies to Sections 312 and 503 of the Act, H.R. Rep. No. 97-765 (1982) (Conf. Rep.), and the Commission has so interpreted the term in the Section 503(b) context. *See So. Cal. Broad. Co*., Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387–88, para. 5 (1991) (*Southern California*), *recons. denied*, Memorandum Opinion and Order, 7 FCC Rcd 3454 (1992).

[29] Section 312(f)(2) of the Act, which also applies to forfeitures assessed pursuant to Section 503(b) of the Act, defines "repeated" as "the commission or omission of [any] act more than once or, if such commission or omission is continuous, for more than one day." 47 U.S.C. § 312(f)(2); *see also Southern California*, 6 FCC Rcd at 4388, para. 5.

[30] 47 U.S.C. § 503(b). The Act provides that parties who engage in activities for which an authorization is required may be subject to a forfeiture without a prior citation. 47 U.S.C. § 503(b)(5) (citation not required where "person involved is engaging in activities for which a license, permit, certificate, or other authorization is required."); *see also Syntax-Brillian Corp.*, Forfeiture Order and Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 6323, 6326, para. 8 (2008) (*Syntax-Brillian FO*) (noting that equipment certification is a "license, permit, certificate, or other authorization" for purposes of the exception to the citation requirement in Section 503(b)(5) of the Communications Act).

[31] *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines, Report and Order*, 12 FCC Rcd 17087 (1997) (*Forfeiture Policy Statement*), *recons. denied*, 15 FCC Rcd 303 (1999); 47 C.F.R. § 1.80. In 2013, the Commission adjusted many of its base forfeiture amounts to account for inflation, but did not adjust the base forfeiture amount for marketing of unauthorized equipment. *See Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, 28 FCC Rcd 10785 (Enf. Bur. 2013) (*2013 Amendment to Section 1.80(b) Order*).

[32] *See* 47 C.F.R. § 1.80(b)(8), Note ("The Commission and its staff retain the discretion to issue a higher or lower forfeiture than provided in the guidelines, to issue no forfeiture at all, or to apply alternative or additional sanctions as permitted by the statute.").

[33] *See* Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321 (codified as amended in scattered sections of 5, 26, 28, 31, and 41 U.S.C., including 28 U.S.C. § 2461 Note) (DCIA).

[34] *See* 47 U.S.C. § 503(b); 47 C.F.R. § 1.80(b); *see also 2013 Amendment of Section 1.80(b) Order, supra* note 31. Specifically, as applicable here, Section of 503(b)(2)(D) of the Act initially established that "the amount of any forfeiture penalty determined under this subsection shall not exceed $10,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $75,000 for any single act or failure to act . . . . " 47 U.S.C. § 503(b)(2)(D). Pursuant to the DCIA, federal agencies, such as the FCC, are required to adjust civil monetary penalties at least once every four years to account for inflation. *See supra* note 33. Based on this statutory authority, the Commission has adjusted for inflation the statutory maxima in Section 503(b)(2)(D) of the Act by amending Section 1.80(b) of the Rules over the years. Currently, under Section 1.80(b)(7), "the amount of any forfeiture penalty determined under [Section 1.80 of the Rules] shall not exceed $16,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $122,500 for any single act or failure to act . . . ." *See* 47 C.F.R. § 1.80(b)(7). *See also Section 2013 Amendment of Section 1.80(b) Order*, *supra* note 31.

[35] *See* 47 C.F.R. § 1.80(b)(7); *see also supra* note 34.

signal jammer prohibition violation, the Commission may impose up to $16,000 for *each day* of such continuing violation up to a maximum forfeiture of $122,500 for any single act or failure to act.[36] For instance, the Commission may impose separate forfeitures for each signal jammer marketed and/or for each day on which a signal jammer is marketed, but only up to these statutory limits.

16. We are mindful of the serious public safety risks posed by the marketing of signal jamming devices and of the apparent need to provide greater incentives for individuals and businesses to cease marketing them to U.S. consumers altogether.[37] Accordingly, we propose a separate forfeiture for each model of jamming device that was advertised for sale in violation of the Act and our Rules.[38] Further, we will assess this forfeiture for each day on which the illegal marketing activity continued, up to the maximum forfeiture amount permitted by statute.

17. Consistent with this approach, we find that C.T.S. Technology apparently committed 285 separate violations of the Act and our Rules through its documented advertisements to U.S. consumers. Based on the evidence in the record, we further find that the online jammer advertisements are continuing violations, with many lasting more than two years.[39]

18. In assessing the appropriate monetary penalty for this misconduct, we must take into account the statutory factors set forth in Section 503(b)(2)(E) of the Act, which include the nature, circumstances, extent, and gravity of the violations, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.[40] C.T.S. Technology marketed to U.S. consumers multiple radio frequency devices that are inherently illegal, designed for no purpose other than performing functions that violate U.S. law, and expressly prohibited for consumer use in the United States. These signal jammers could pose a critical public safety hazard by potentially blocking authorized communications, including essential 9-1-1 calls and law

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[36] 47 U.S.C. § 503; 47 C.F.R. § 1.80(b)(7). *see also supra* note 34. These amounts are subject to further adjustment for inflation and the forfeiture amount applicable to any violation will be determined based on the statutory amount designated at the time of the violation. *See* 47 C.F.R. § 1.80(b)(9); *see also supra* note 31.

[37] *Cf. Phonejammer.com*, 25 FCC Rcd 3827, *supra* note 4. In *Phonejammer.com*, the Bureau upwardly adjusted the base forfeiture of $7,000, which is applicable to typical equipment marketing violations, to $12,500 due to the retailer's continued marketing of signal jamming devices after its receipt of a Citation. *Id.* at 3834, para. 13. The Commission is taking more aggressive action in the instant case because vendors and manufacturers have not taken corrective action and continue to market signal jammers in violation of the Rules. We also note that the instant case is especially egregious given the lengthy duration of the violations, the high power level of some of the signal jammers offered for sale, and the number of signal jammers marketed and actually sold into the United States.

[38] We assess the present forfeiture on a per model basis, as we have in other equipment marketing cases, to better reflect the seriousness of the violations and deter future misconduct. *See Hauppauge Computer Works, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 24 FCC Rcd 5272, 5278–79, para. 18 (2009) ("We find that calculating forfeitures for violations of the DTV tuner requirement involving television receivers without an associated viewing screen on a per model basis will result in forfeiture amounts that reflect the seriousness of the violations will deter future misconduct."); *Syntax-Brillian FO*, 23 FCC Rcd 6323, *supra* note 30*; Regent U.S.A., Inc.*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 10520 (2007); *see also San Jose Navigation Inc.*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 2873, 2877, para. 14 (2006) (finding that the marketing of each separate unauthorized model constitutes a separate violation); *ACR Elec., Inc*., Notice of Apparent Liability for Forfeiture, 19 FCC Rcd 22293, 22302, para. 23 (2004) (same), *forfeiture ordered*, Forfeiture Order, 21 FCC Rcd 3698 (2006) (forfeiture paid).

[39] Illegal marketing was first observed on C.T.S. Technology's websites on October 14, 2011; was continually observed on numerous occasions throughout 2012 and 2013; and continues as of the release of this enforcement action. A sample of the 285 signal jammers illegally offered for sale to U.S. consumers by C.T.S. Technology is provided in Appendix A to this NAL. *See also* Aiswa website, available at http://www.aiswa.com/category-18-b0-RF+signal+jammers.html (last visited June 18, 2014).

[40] 47 U.S.C. § 503(b)(2)(E).

enforcement communications. Furthermore, C.T.S. Technology marketed several extremely high power jammers, including a 100 watt GPS jammer and a 180 watt cell phone jammer with ranges exceeding 3,200 feet. And, even more troubling, C.T.S. Technology sought to mislead U.S. consumers, misrepresenting in its online marketing materials that certain of the devices were approved by this agency. We find this continuing misconduct to be particularly egregious and harmful, warranting a substantial upward adjustment of the base forfeiture amount.

19. Therefore, applying the approach used in three recent Notices of Apparent Liability for Forfeiture involving the operation of signal jammers and reflecting the discretion afforded us by the *Forfeiture Policy Statement*, Section 1.80 of the Rules, and the statutory factors,[41] we propose the maximum forfeiture authorized by statute for each of the 285 marketing violations. Specifically, consistent with Section 503(b)(2) of the Act, which authorizes separate forfeiture penalties for each day of a continuing violation, we will apply the $16,000 statutory maximum to each day on which these 285 violations continued up to the statutory maximum of $122,500 for each of the continuing violations.[42] We therefore conclude that C.T.S. Technology is apparently liable for a total forfeiture in the amount of $34,912,500 for its apparent willful and repeated violations of Section 302(b) of the Act and Sections 2.803 and 15.201(b) of the Rules.

20. C.T.S. Technology should immediately implement any necessary measures to ensure compliance with the Act and the Commission's rules.[43] Without limiting the measures C.T.S. Technology can take, such compliance measures may include removing jamming devices from online displays that are accessible to U.S. consumers; expressly excluding consumers in the United States and its territories as potential customers in any online or print marketing material; implementing technical limitations that prevent any order processing system from accepting U.S. addresses for shipment; declining to otherwise complete any sales transaction involving consumers in the United States and its territories; and removing statements on its websites, directed to U.S. or other consumers, that the signal jammers it advertises for sale are certified or otherwise approved by the Federal Communications Commission, when, in fact, they are not.[44]

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[41] *See Supply Room NAL*, 28 FCC Rcd at 4986–87, para. 14; *Taylor Oilfield NAL*, 28 FCC Rcd at 4977, para. 14; *Gary P. Bojczak*, Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 11589, 11592–93, para. 10 (2013). *Accord R&N Manufacturing, Ltd.*, Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 3332 (2014) (*R&N Manufacturing*). *See also* 47 C.F.R. § 1.80(b)(8).

[42] 47 U.S.C. § 503(b)(2). C.T.S. Technology has marketed a large number of signal jammers to U.S. consumers for well over two years. The most recent violations, involving 285 jammer models, have been ongoing for over eight months or 240 days, which yields a forfeiture calculation of $16,000 per day x 240 days = $3,840,000 per model (reduced to $122,500, the statutory cap) x 285 models = $34,912,500.

[43] *See R&N Manufacturing,* 29 FCC Rcd at 3332, para. 3 ("We expect individuals and businesses, like RNM, to take immediate steps to ensure compliance and to avoid any recurrence of this type of misconduct, including ceasing operation of any signal jamming devices that may be in its possession, custody, or control."); *Supply Room NAL,* 28 FCC Rcd at 4982, para. 3 (same); *see also TD Spot Inc. dba Spy Spot Investigations*, Citation and Order, 27 FCC Rcd 7642, 7642, para. 2 (Enf. Bur. 2012) (ordering retailer of jamming devices to "take immediate steps to come into compliance and to avoid any recurrence of [the] misconduct, including actions such as removing illegal signal jamming devices from displays and declining to sell signal jamming devices in the United States").

[44] *See Illegal Marketing of Signal Jamming Devices,* Omnibus Citation and Order, 26 FCC Rcd 13565,13566, para. 2 (Enf. Bur. 2011) (*Omnibus Citation*) ("Each Online Vendor must take immediate steps to cease marketing signal jamming devices to consumers in the United States and its territories and to avoid any recurrence of this misconduct. This may include actions such as removing the illegal signal jamming devices from online display, expressly excluding consumers in the United States and its territories as potential customers, and declining to sell signal jamming devices or complete any sales transaction to consumers in the United States and its territories."). *See also Behringer U.S.A., Inc.*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 1820, 1829, para. 24 (2006) (ordering retailer to produce an affidavit within 30 days confirming compliance with the Act and Rules with respect to each model of unauthorized radio frequency devices that it was found to have been illegally importing and

(continued…)

21. In addition, we direct C.T.S. Technology to submit the information requested in non-public Appendix B hereto concerning C.T.S. Technology's signal jammer distribution channels and sales, including the purchasers of each illegal signal jamming device sold to consumers in the United States or its territories, the websites that C.T.S. Technology has used to market the devices to consumers in the United States or its territories, and the corrective actions C.T.S. Technology has taken, is taking, or will take as required by this NAL.[45] We direct C.T.S. Technology to submit its response within forty-five (45) calendar days after service of this NAL.

V. ORDERING CLAUSES

22. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Section 1.80 of the Commission's rules, C.T.S. Technology Co., Limited is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of thirty-four million nine hundred twelve thousand and five hundred dollars ($34,912,500) for apparent willful and repeated violations of Section 302(b) of the Communications Act of 1934, as amended, and Sections 2.803 and 15.201(b) of the Commission's rules.[46]

23. **IT IS FURTHER ORDERED** that, pursuant to Section 1.80 of the Commission's rules, within thirty (30) calendar days after the service of this Notice of Apparent Liability for Forfeiture and Order, C.T.S. Technology Co., Limited **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

24. **IT IS FURTHER ORDERED** that, pursuant to Sections 1, 4(i), 4(j), 302(b), and 403 of the Communications Act of 1934, as amended,[47] and also Sections 2.803 and 15.201(b) of the Commission's rules,[48] C.T.S. Technology Co., Limited **SHALL COMPLY** with the directive set forth in paragraph 20 above; and within forty-five (45) calendar days after the service of this Notice of Apparent Liability for Forfeiture and Order **SHALL SUBMIT** the information requested in non-public Appendix B hereto concerning C.T.S. Technology Co., Limited's signal jammer distribution channels and sales, including the purchasers of each illegal signal jamming device sold to consumers in the United States or its territories, the websites that C.T.S. Technology Co., Limited has used to market the devices to consumers in the United States or its territories, and a detailed statement about the corrective actions C.T.S. Technology Co., Limited has taken, is taking, or will take as required by this Notice of Apparent Liability for Forfeiture and Order. Further, the required written response (as well as any correspondence

(Continued from previous page)
marketing in the United States, and if not, providing plans for full compliance); *St. George Cable, Inc*., Notice of Apparent Liability for Forfeiture and Order, 27 FCC Rcd 11447 (2012) (proposing a forfeiture against cable operator for failing to comply with prior order requiring installation of an operational Emergency Alert System equipment, that it operate its cable system within required signal leakage limits, and to immediately suspend operations until it received written authorizations from the Commission; further order issued requiring operator to confirm within 30 days that it was now in full compliance with FCC rules).

[45] We order the production of this information pursuant to our authority under Sections 1, 4(i), 4(j), and 403 of the Act. 47 U.S.C. §§ 151, 154(i), 154(j), 403. *See Supply Room NAL*, 28 FCC Rcd at 4982, para. 3 (seeking information concerning the source from which it purchased or received jamming devices); *Taylor Oilfield NAL*, 28 FCC Rcd at 4973, para. 3 (same); *Omnibus Citation*, 26 FCC Rcd at 13566, para. 3 (seeking a report on the specific actions taken to correct the violations; information concerning signal jamming device suppliers, distribution channels, and sales; and information on websites that have been used to market the devices in the United States or its territories). *See also Behringer U.S.A., Inc.*, 21 FCC Rcd at 1829, para. 24; *SBC Communications, Inc*., Notice of Apparently Liability for Forfeiture and Order, 16 FCC Rcd 19091, 19126, para. 27 (2001) (ordering carrier to file detailed reports regarding future compliance).

[46] 47 U.S.C. §§ 302a(b), 503(b); 47 C.F.R. §§ 1.80, 2.803, 15.201(b).

[47] 47 U.S.C. §§ 151, 154(i)–(j), 302a(b), 403.

[48] 47 C.F.R. §§ 2.803, 15.201(b).

with the Federal Communications Commission concerning this Notice of Apparent Liability for Forfeiture and Order) shall be mailed to Federal Communications Commission, Enforcement Bureau, Spectrum Enforcement Division, ATTN: EB-SED-12-00005692, 445 12th Street, S.W., Washington, DC 20554. C.T.S. Technology Co., Limited also shall e-mail the written response to: jammerinfo@fcc.gov.

25. Payment of the forfeiture must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. C.T.S. Technology Co., Limited. shall also send electronic notification on the date said payment is made to jammerinfo@fcc.gov. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.[49] When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions CTS Technology Co., Limited should follow based on the form of payment it selects:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at 1-314-418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

26. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.[50] If you have questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

27. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to Sections 1.16 and 1.80(f)(3) of the Commission's rules.[51] Mail the written statement to Federal Communications Commission, Enforcement Bureau, Spectrum Enforcement Division, ATTN: EB-SED-12-00005692, 445 12th Street, S.W., Washington, DC 20554 and, include the NAL/Acct. Number referenced in the caption. C.T.S. Technology Co., Limited. also shall e-mail the written response to: jammerinfo@fcc.gov. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) financial statements prepared according to generally accepted accounting practices (GAAP); or (2) some other reliable and objective documentation

[49] An FCC Form 159 and detailed instructions for completing the form may be obtained at http://www.fcc.gov/Forms/Form159/159.pdf.

[50] *See* 47 C.F.R. § 1.1914.

[51] 47 C.F.R. §§ 1.16, 1.80(f)(3).

that accurately reflects the petitioner's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

28. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture and Order shall be served on C.T.S. Technology Co., Limited in accordance with U.S. and international law at 3F, OCT Building, No. 2010, Shennan Road E., Shenzhen, Guangdong, Peoples Republic of China, 518000 and to C.T.S. Technology, Co., Limited at Rm 4B128, Pacific Security Market Bldg, Huanqiang Rd (N.), Futian, Shenzhen, 518031, Guangdong, People's Republic of China.

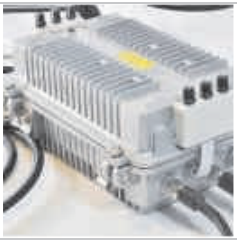
FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

Sample of Illegally Marketed Jamming – AISWA.COM

Marketing Image	Product Name/ Description	Marketed Frequency/ Services Jammed	Date Marketing First Observed
	GPS GSM JAMMER CTS-3000A FOR GPS L1/ L2 GSM /CDMA /3G	GPS, UHF, LoJack, 3G, GSM, CDMA, DCS, WiFi	10/14/2011
	1~5m 5-Band Cigarette Cell Phone Jammer EST-808SC	GSM, DCS, PHS, 3G, CDMA	10/14/2011
	Super GPS Jammers 100W output up to 500~1000M range	GPS, GSM	10/14/2011
	32w High Power Cell Phone Jammer	GSM, CDMA, PCS, DCS, 3G	10/14/2011
	100m Shielding Range High Power (45W) Indoor mobile Phone Jammer	CDMA, GSM, DCS, 3G	10/14/2011
	High power 25w GPS Jammer - Anti tracking	GPS	10/14/2011

Marketing Image	Product Name/ Description	Marketed Frequency/ Services Jammed	Date Marketing First Observed
	24/7 working 5 bands GPS GSM/CDMA JAMMERS CTS-JX5000E with built-in battery	GPS, GSM, CDMA	10/14/2011
	150W Powerful Cell Phone Bomb Jammer/blocker CTS-VIP150	CDMA, GSM, DCS, 3G, GPS	10/14/2011
	180W High Power VHF UHF Jammer Bomb Jammer	GSM, DCS, 3G	10/14/2011
	25W 6 bands FM 434 868 MID 433/868 MHz Cell phone Jammers	FM, GSM, CDMA, 3G	10/14/2011
	70W High Power Cell Phone Jammer for 4G Wimax with Omni- directional Antenna	CDMA, GSM, DCS, PCS, 3G, 4G	6/9/2013
	Car remote control Jammer	303MHz/335MHZ/315 MHZ/433MHz/868MHz	6/19/2013

Marketing Image	Product Name/ Description	Marketed Frequency/ Services Jammed	Date Marketing First Observed
	40W GPS L1 L2 GSM 3G Full bands Jammer	GPS, GSM, CDMA, 3G	6/19/2013
	UHF VHF Jammer walkie-talkie Jammer with battery	VHF, UHF, LoJack	6/19/2013
	High Power 8 Antenna Cell Phone, 3G, WiFi, GPS, VHF, UHF Jammer	CDMA, GSM, DCS, PCS, 3G, GPS, WiFi, VHF, UHF	6/19/2013
	Waterproof 75W High Power 3G Mobile Phone Signal Jammer	CDMA, GSM, DCS, PHS, 3G	9/11/2013
	120W High Power Cellular Mobile Phone Jammer	GSM, CDMA, PCS, DCS, 3G	9/11/2013
	Waterproof Cell Phone Jammer (Worldwide use)	AMPS, N-AMPS, NMT, TACS, GSM, CDMA, TDMA, IDEN, UMTS	9/11/2013

Marketing Image	Product Name/ Description	Marketed Frequency/ Services Jammed	Date Marketing First Observed
	Mini Medium Power Cellphone Jammer	CDMA, GSM, DCS, PCS, 3G	9/11/2013
	70W High Power Cell Phone Jammer for 4G LTE with Omni-directional Antenna	CDMA, GSM, DCS, PCS, 3G, 4G	9/11/2013
	Powerful Golden Portable Cell phone & Wi-Fi & GPS Jammer	GPS, CDMA, DCS, GSM, CDMA, WiFi	9/11/2013
	Customized 5-Band Painting Cell Phone Jammer for 2G & 3G Network	GSM, CDMA, DCS, PHS,3G	9/11/2013
	Adjustable 3G 4G Wimax Mobile Phone WiFi Signal Jammer with Bulit-in Directional Antenna	GSM, CDMA, DCS, PCS, 3G, 4G WiMax, WiFi	9/11/2013
	Ultimate 8-Band Wireless Signal Terminator	2G, 3G, 4G, WiFi, UHF, VHF, GPS, LoJack	9/11/2013

Marketing Image	Product Name/ Description	Marketed Frequency/ Services Jammed	Date Marketing First Observed
	Portable GPS Jammer (GPSL1/L2)	GPS	9/11/2013
	High Power 6 Antenna Cell Phone GPS WiFi VHF UHF Jammer	GSM, 3G, WiFi, GPS, VHF, UHF	9/11/2013
	7W Powerful All GPS Signals Jammer (GPS L1,L2,L3,L4.L5)	GPS	9/11/2013
	High Power Portable GPS (GPS L1/L2/L3/L4/L5) Jammer	GPS	9/11/2013
	3-Band Civil GPS Tracker Preventer	GPS	9/11/2013
	Vehicle Car Anti Tracker Mini GPS Jammer Blocker	GPS	9/11/2013