

FCC Enforcement Letters

June 2, 2003

Mr. Keith F. Higginbotham
2022 Willow Branch Court
Vienna, VA 22181-2972

RE: Radio frequency interference

Dear Mr. Higginbotham:

The Federal Communications Commission has received a complaint of harmful radio interference apparently caused by an unlicensed Part 15 cordless Speakerphone that is being operated from your residence. This interference has been reported by a licensed operator in the Amateur Radio Service. The complainant is:

Mr. Bernie Keiser, W4SW
2046 Carrhill Rd
Vienna, VA 22181-29173

Under FCC rules, such equipment is classified as an "intentional radiator." This term is used to describe equipment that intentionally generates radio-frequency energy and radiates it as part of its normal operation. Under these rules, however, it must not cause harmful interference. If it does, the operator of the device is responsible for correcting the interference, ceasing operation, if necessary, whenever such interference occurs.

To help you better understand your responsibilities under FCC rules, here are the most important rules relating to radio and television interference from incidental radiators:

Title 47, CFR Section 15.5 General conditions of operation.

(b) Operation of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by the operation of an authorized radio station, by another intentional or unintentional radiator, by industrial, scientific and medical (ISM) equipment, or by an incidental radiator.

(c) The operator of the radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected.

Title 47, CFR Section 15.15 General technical requirements.

(c) Parties responsible for equipment compliance should note that the limits specified in this part will not prevent harmful interference under all circumstances. Since the operators of Part 15

devices are required to cease operation should harmful interference occur to authorized users of the radio frequency spectrum, the parties responsible for equipment compliance are encouraged to employ the minimum field strength necessary for communications, to provide greater attenuation of unwanted emissions than required by these regulations, and to advise the user as to how to resolve harmful interference problems (for example, see Sec. 15.105(b)).

Harmful interference to a licensed radio service from a Part 15 device is a violation of FCC Rules. Specifically, the manufacturer is responsible for device certification. The device owner however is responsible for operating the device in such a manner that it does not cause interference. Manufacturers will often bear some of this responsibility as a courtesy to their customers. We encourage the parties and manufacturers involved to voluntarily resolve this matter without FCC intervention.

Please be advised that continued operation of the telephone/intercom is not legal under the FCC Rules if it is causing harmful interference. The interference must be corrected before its operation may continue. The manufacturer or retail seller of the device may be willing to allow you to return the device and exchange it for one that will not cause interference.

If you have any questions about this matter, please contact:

W. Riley Hollingsworth
Special Counsel
Enforcement Bureau, FCC
E-mail rholling@fcc.gov

Thank you for your cooperation.

Sincerely,

Sharon Bowers, Deputy Chief
Consumer Inquiries & Complaint Division
Consumer & Governmental Affairs Bureau