

FCC Enforcement Letters

October 14, 2004

Mr. (name deleted)
(address deleted)
Oklahoma City, Oklahoma 73139

RE: Radio frequency interference Case EB-2004-2634

Dear Mr. (name deleted):

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

(name deleted)
(address deleted)
Oklahoma City, Oklahoma 73139

Under FCC rules, most unlicensed equipment capable of generating a radio signal falls under Part 15 of the Commission's rules. Part 15 rules even apply to equipment that does not intentionally generate the radio-frequency energy but radiates it as part of its normal operation. Please be advised that such equipment must not cause harmful interference Under Part 15 rules. If it does, the operator of the device is responsible for correcting the interference, and ceasing operation, if necessary, whenever such interference occurs.

To help you better understand your responsibilities under FCC rules, here are some important rules relating to radio and television interference from Part 15 devices:

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 any device causing the reported interference is not legal under the FCC Rules. 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