

# FCC Enforcement Letters

## CERTIFIED MAIL-RETURN RECEIPT REQUESTED

January 9, 2006

Scott Evenson, Production Manager  
C/O BRB Seeds  
14502 N. RothRock Road  
Prosser, WA 99350

Dear Mr. Evenson:

The Federal Communications Commission has received complaints that an electrical device or devices, in this case equipment associated with seed processing, is being operated by your company and may be causing harmful radio interference to the Amateur Radio Service. The complainant is:

(name and call sign withheld)  
(address withheld)  
Prosser, Washington 99350  
Tel: (withheld)

Under FCC rules, most unlicensed electrical and electronic 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. The FCC also has the responsibility to require that Part 15 device operators rectify such problems within a reasonable time if the interference is caused by their equipment.

To help you better understand your responsibilities under FCC rules, here are the most important rules relating to radio and television interference from Part 15 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 15.13 Incidental radiators.**

Manufacturers of these devices shall employ good engineering practices to minimize the risk of harmful interference.

**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)).

The complainant has attempted unsuccessfully to resolve this problem and as a result the matter has been referred to our office. The FCC prefers that those responsible for the proper operation of equipment assume their responsibilities fairly. This means that you should resolve the interference caused by your equipment and make necessary corrections within a reasonable time.

While the FCC has confidence that most operators of Part 15 devices are able to resolve these issues voluntarily, the FCC wants to make your office aware that this unresolved problem may be a violation of FCC rules and could result in a monetary forfeiture for each occurrence. At this stage, the FCC encourages the parties to resolve this problem without FCC intervention, but if necessary to facilitate resolution, the FCC may investigate possible rules violations and address appropriate remedies.

The American Radio Relay League, a national organization of Amateur Radio operators, may be able to offer help and guidance about radio interference that involves Amateur Radio operators.

American Radio Relay League  
Radio Frequency Interference Desk  
225 Main Street  
Newington, CT 06111  
860-594-0200  
Email: rfi@arrl.org

Please advise the complainant what steps your utility company is taking to correct this reported interference problem. The FCC expects that most cases can be resolved within 30 days of the time they are first reported to the utility company. If you are unable to resolve this by February 1,

2006, please advise this office about the nature of the problem, the steps you are taking to resolve it and the estimated time in which those steps can be accomplished.

If you have any questions about this matter, please contact me at 717-338-2502. Thank you for your cooperation.

Sincerely,

W. Riley Hollingsworth  
Special Counsel  
Spectrum Enforcement Division  
Enforcement Bureau

cc: FCC Western Regional Director