



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION**

Detroit Office
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January 20, 2012

MIXX Lounge, LLC.
Novi, MI

NOTICE OF UNLICENSED OPERATION

Case Number: EB-11-DT-0263
Document Number: W201232360001

On October 20, 2011, an agent from the Detroit Office responded to a complaint from the General Motors Electromagnetic Compatibility Division alleging that automotive remote keyless entry systems were being jammed by in-band signals on 314.93 MHz. The agent confirmed, using direction-finding techniques, that the signal on frequency 314.93 MHz was emanating from the MIXX Lounge at 43115 Main Street, Novi, Michigan. The agent isolated the source of the interference to a wireless transmitting device associated with a lighting controller located inside the MIXX Lounge. The wireless device was transmitting light control signals on 314.93 MHz. Field-strength measurements showed that the signal level of the wireless device exceeded the Part 15 emission limits of a non-licensed device at that frequency. The agent also observed that the device did not have an FCC ID. Further, when the device was turned off, the interference ceased.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. 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, 47 C.F.R. §§ 15.1 *et seq.* In addition, intentional radiators operating pursuant to Part 15 must be labeled with an FCC ID.¹ Operation of a Part 15 device in a manner inconsistent with Part 15 requirements requires a license pursuant to 47 U.S.C. § 301. Because the wireless device operated at the MIXX Lounge did not contain an FCC ID label and the transmissions exceeded the allowable emission limits, such operation required a license.

¹ 47 C.F.R. § 15.19.

Nonlicensed operation of a Part 15 device is also subject to the condition that it must not cause harmful interference and, if harmful interference occurs, operation of the device must cease.² 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.”³ You are hereby notified that the operation of the wireless transmitting device associated with the lighting controller caused harmful interference to automotive remote keyless entry systems.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (*see* 47 U.S.C. §§ 401, 501, 503 and 510).

UNLICENSED OPERATION OF THIS RADIO TRANSMITTING EQUIPMENT MUST NOT RESUME.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. Your response should be sent to the address in the letterhead and reference the listed case and document number. Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), 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.

James A. Bridgewater
District Director
Detroit Office
Northeast Region
Enforcement Bureau

Attachments:

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

² *See* 47 C.F.R. §§ 15.5, 15.405.

³ 47 C.F.R. § 15.3(m).