



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
South Central Region**

San Juan Office
US Federal Building Room 762
San Juan, PR 00918-1731
787-766-5568

April 26, 2012

Via Certified Mail:

TCP-Technologies, Inc.
HC-02 Box 9529
Guaynabo, PR 00971

**NOTICE OF UNLICENSED OPERATION AND
NOTIFICATION OF HARMFUL INTERFERENCE**

Case Number: EB-FIELDSCR-12-00001600
Document Number: W2012326832680003

On April 12th, 2012, in response to information provided by the Federal Aviation Administration (FAA) that the Terminal Doppler Weather Radar (TDWR) that serves the San Juan International Airport had been receiving interference on or adjacent to 5.61 GHz, the FCC's San Juan Office of the Enforcement Bureau (San Juan Office) conducted an investigation in the Miramar Ward of San Juan, Puerto Rico. Agents from this Office confirmed by direction finding techniques that radio emissions centered on frequency 5595 MHz were emanating from the Capitol Building's roof located on Ponce de Leon Ave. corresponding to the GPS coordinates of 18° 27' 19.3" N 066° 04' 58.0" W, the location of one of your Unlicensed National Information Infrastructure (U-NII) Ubiquity devices, model Bullet M5 with FCC ID SWX-B5 (Ubiquiti Bullet B5). Still on April 12th, 2012, your client met with agents from the San Juan Office and discontinued operations. The agent observed that when the transmissions on 5595 MHz ceased, the interference to the TDWR 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. Non-licensed operation pursuant to Part 15 of the FCC's rules, however, is conditioned upon compliance with all applicable regulations in the subpart, 47 C.F.R. § 15.1(b). All intentional radiators operating pursuant to Part 15 of the FCC's rules must be certified for use as a Part 15 device, 47 C.F.R. § 15.201(b).

The Ubiquity Bullet B5 device is not authorized for use on frequency 5590 MHz.¹ Accordingly, your operation of the Ubiquity Bullet B5 device on frequency 5590 MHz does not comply with the requirements of Part 15 of the FCC's rules and should therefore be licensed by the FCC. The FCC has no record of a license being issued to you to operate a transmitter on 5590 MHz from the Capitol Building's roof located on Ponce de Leon Ave. corresponding to the GPS coordinates of 18° 27' 19.3" N 066° 04' 58.0" W. Thus, your operation was in violation of 47 U.S.C. § 301.

¹ According to its equipment authorization, FCC ID SWX-B5, the Ubiquiti Bullet B5 device is authorized pursuant to Section 15.247 of the FCC's Rules to operate only in the 5745 to 5825 MHz band. See 47 C.F.R. § 15.247.

Non-licensed operation of a U-NII 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. *See* 47 C.F.R. §§ 15.5(c), 15.405. 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.” 47 C.F.R. § 15.3(m).

You are hereby notified that your Ubiquity Bullet B5 device operating on 5590 MHz was causing harmful interference to the TDWR at the San Juan International Airport and that your operation of this device must cease, until the interference can be resolved. You are also hereby warned that operation of radio transmitting equipment without a valid radio station authorization, including non-certified equipment or modified equipment which voids the certification, and/or operation of otherwise authorized equipment that continues to cause harmful interference after your receipt of this warning, 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 ON FREQUENCY 5590 MHZ MUST NOT RESUME.
NONLICENSED OPERATION OF A U-NII DEVICE MAY NOT RESUME UNLESS YOU ARE
IN FULL COMPLIANCE WITH PART 15 OF THE FCC’S RULES AND UNTIL YOU RESOLVE
THE HARMFUL INTERFERENCE.**

You have ten (10) days from the date of this notice to respond with any evidence that your transmitter is not the source of the interference to the TDWR. Your response should also state when you discontinued operations from the Capitol Building’s roof located on Ponce de Leon Ave. and a description of the steps you are planning to take to eliminate the interference. 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.

Reuben Jusino
Resident Agent
San Juan Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", July 2003