

Federal Communications Commission
Washington, DC 20554

December 3, 1993

Dr. Hossein Haghighi
16218 Ventura Boulevard, #8
Encino, CA 91436

Dear Dr. Haghighi:

This is in reply to your letters of November 3, 1993, to our Cerritos, California, office and of November 22, 1993 to this office. In these letters, you request information regarding our regulations on receivers capable of tuning to various subcarrier transmissions in the 88-108 MHz broadcast band.

The second language transmissions referenced in your letter are transmitted under what is termed a Subsidiary Communications Authority (SCA) under Part 73 of our rules. SCA signals are transmitted on a subcarrier of a normal FM broadcast transmission. Further, SCA transmissions are not intended for reception by the general public but are supplied to subscribers on a subscription basis.

Superheterodyne receivers, of the type used to receive SCA transmissions, must be authorized by the Commission prior to the initiation of marketing or importation. The marketing of an SCA receiver without this authorization is in violation of Section 2.803 of our rules (47 CFR Section 2.803) and Section 302(b) of the Communications Act of 1934, as amended (47 USC [Section] 302(b)). However, the Commission would not knowingly authorize an SCA receiver that is designed to be tunable.

As shown in Section 605 of the Communications Act of 1934, as amended (47 USC [Section] 605), no one may receive, or assist in receiving, any radio communication to which they are not entitled and use that communication for their own benefit. In addition, 18 USC Sections 2510 - 2521 prohibit the manufacture, assembly, possession and sale of any device primarily useful for the surreptitious interception of such radio communications. A tunable SCA would allow an individual to receive SCA transmissions for which they have not subscribed, potentially in violation of these provisions.

I trust that the above responds to your inquiry. Additional questions should be directed to John Reed, 1300B4, at the address on the letterhead or at [(202) - 418 - 2470].

Richard B. Engleman

Chief, Technical Standards Branch

Office of Engineering and Technology

cc: [omitted here]