



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION 2

Dallas Office
9330 LBJ Freeway, Suite 1170
Dallas, Texas 75243

May 31, 2016

Del Nero Communications Management, LLC
Norman, Oklahoma

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDSCR-16-00021094
Document Number: W201632500009

On May 4, 2016, in response to a complaint from a wireless internet service provider that serves Norman, Oklahoma, the FCC's Dallas Office of the Enforcement Bureau (Dallas Office) conducted an investigation. Agents from the Dallas Office confirmed by direction finding techniques and through an inspection that radio emissions centered on frequencies 5.155 GHz, 5.240 GHz, 5.245 GHz and 5.735 GHz were emanating from your residential and farm house located at coordinates of 35°16'43.34"N, 97°22'33.37"W and 35°16'40.93"N, 97°22'32.28"W. These are the locations of four of your Unlicensed National Information Infrastructure Ubiquity devices, model Nano Bridge M2 with FCC ID SWX-M2G, model Nano Station M5 with FCC ID SWX-NBM5D, and model Nano Station M5 with FCC ID SWX-NSM5D.

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 (Rules). Non-licensed operation pursuant to Part 15 of the 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 Rules must be certified for use as a Part 15 device, 47 C.F.R. § 15.201(b).

The Ubiquiti Nano Bridge M2 access point devices are not authorized for use in the frequency bands 5.152 – 5.157 GHz and 5.715 – 5.755 GHz.¹ Accordingly, your operation of the Ubiquiti Nano Bridge M2 devices on frequencies 5.155 GHz and 5.735 GHz is unauthorized and in violation of 47 U.S.C. § 301.

¹ According to its equipment authorization, FCC ID SWX-M2G, the Ubiquiti Nano Bridge M2 device is authorized pursuant to Section 15.247 of the FCC's Rules, 47 C.F.R. § 15.247, to operate only in the 2412 to 2462 MHz band as an access point.

The Ubiquiti Nano Station M5 access point devices are not authorized for use in the frequency bands 5.230 – 5.250 GHz and 5.242 – 5.247 GHz.² Accordingly, your operation of the Ubiquiti Nano Station M5 devices on frequencies 5.240 GHz and 5.245 GHz is unauthorized and in violation of 47 U.S.C. § 301.

You are 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, 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 THESE DEVICES MUST CEASE IMMEDIATELY.

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.

Ronald Ramage
Regional Director
Region 2

Attachments:

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

² According to its equipment authorization, FCC ID SWX-NBM5D and FCC ID SWX-NSM5D, the Ubiquiti Nano Station M5 device is authorized pursuant to Section 15.401 of the FCC's Rules, 47 C.F.R. § 15.401, to operate only in the 5255 -5340 MHz band as an access point.