5321

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

January 8, 2013

Ms. (name withheld) & Mr. (name withheld)
(Address withheld)
(Address withheld)

Re: EB-FIELDNER-13-00005883
Radio frequency interference

Dear Ms. (name withheld) & Mr. (name withheld):

The Federal Communications Commission has received a complaint of harmful radio interference that is apparently caused by a grow light ballast being operated from your rental residence located at (address withheld). This interference has been reported by a licensed operator in the Amateur Radio Service.

The Commission has the responsibility to require that such problems be rectified within a reasonable time if the interference is caused by faulty consumer equipment. Under FCC rules, such equipment is classified as an "intentional radiator." These devices intentionally generate radio-frequency energy and but do intentionally radiate the energy as part of their normal intended operation. Under RFF rules, however, such devices must not cause harmful interference. If and when interference does occur, the burden falls on the device operator to correct it, and if necessary, cease operation of the device, whenever such interference occurs. Some types of common consumer devices may also operate under Part 18 of the Commission's rules. In either case, however, the rules with regard to interference are the same.

Please also be advised that some of these devices are imported and do not comply with Commission certification standards, and thereby result in interference to other radio services. You may have one of those devices. If the device is an approved one, it should have a silver FCC label on the unit showing a certification number. **Even an approved device, however, can only be operated legally if it is *not* causing harmful interference to a licensed radio service. The device can also be defective resulting in a shock or fire hazard.**

To help you better understand your responsibilities under FCC rules, here are the most important rules relating to radio and television interference from incidental 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 15.15 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)).

Harmful interference to a licensed radio service from a Part 15 device is a violation of FCC Rules. Specifically, the manufacturer is responsible for device certification. The device owner however is responsible for operating the device in such a manner that it does not cause interference. Manufacturers will often bear some of this responsibility as a courtesy to their customers. The manufacturer or retail seller of the device may be willing to allow you to return the device and exchange it for one that will not cause interference.

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

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

Please be advised that continued operation of the grow light ballast is not legal under FCC rules if it is causing harmful interference. The interference must be corrected before its operation may continue. You have 30 days from the date of this letter to resolve the interference to the amateur station and report back to this office. Please direct your response to the following address: 1270 Fairfield Road, Gettysburg, Pennsylvania 17325.

If you have any questions about this matter, please contact me at 717-338-2577. Thank you for your cooperation.

Sincerely,

Laura L. Smith, Esq.
Special Counsel
Enforcement Bureau

cc: Tampa Field Office
South Central Regional Director