



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

Houston Office
9597 Jones Road, #362
Houston, TX 77065

August 13, 2010

Via Certified Mail: 7009 3410 0000 1986 8701

Wireless Metro LLC
Houston, Texas

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

Case Number: EB-10-HU-0049
Document Number: W201032540005

On June 15, 2010, in response to complaints of interference from the Federal Aviation Administration (“FAA”), agents from the Enforcement Bureau’s Houston Office confirmed by direction finding techniques that radio emissions on the frequencies 5.620 GHz and 5.660 GHz were emanating from the roof of the San Felipe Plaza building located at 5847 San Felipe Road in Houston, Texas. These transmissions were interfering with the FAA’s Terminal Doppler Weather Radar (“TDWR”) serving the George Bush Intercontinental and William P. Hobby Airports. On June 16, 2010, after receiving contact information from the owner of the San Felipe Plaza building, agents from the Houston Office met with representatives of Wireless Metro, including your President/COO, on the rooftop of the San Felipe Plaza building to determine whether your operation caused the interference to the TDWR. The agents confirmed that interference to the TDWR ceased when your equipment was tuned to different frequencies. Additionally, during the inspection of your equipment, the agents observed that the dynamic frequency selection (“DFS”) functionality on your equipment was disabled while operating on the frequencies 5.560GHz and 5.660 GHz. The DFS functionality was enabled by one of your technicians during the FCC’s inspection.

Radio stations must be licensed by the Federal Communications Commission (“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.*

Nonlicensed 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). Unlicensed National Information Infrastructure (“U-NII) devices are required to have DFS functionality enabled for any operation in the 5.250 GHz – 5.350 GHz and the 5.470 GHz – 5.725 GHz bands. *See* 47 C.F.R. § 15.407(h)(2). Accordingly, your operation on the frequencies 5.560 GHz and 5.660 GHz was not in compliance 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 5.560 GHz or 5.660 GHz from this location. Thus, your operation was in violation of 47 U.S.C. § 301.

Nonlicensed operation of a radio transmitter 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. 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.” *See* 47 C.F.R. § 15.3(m).

You are hereby notified that your device operating on 5.620 GHz was causing harmful interference to the TDWR that serves the George Bush Intercontinental Airport. Additionally, you are hereby notified that your device operating on 5.660 GHz was causing harmful interference to the TDWR that serves the William P. Hobby Airport.

You are also hereby warned that operation of radio transmitting equipment without a valid radio station authorization 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 OF A U-NII DEVICE ON 5.560 GHz OR 5.660 GHz MUST NOT RESUME. NONLICENSED OPERATION OF A PART 15 DEVICE MAY NOT RESUME UNLESS YOU ARE IN FULL COMPLIANCE WITH PART 15 OF THE FCC’S RULES.

You have ten (10) days from the date of this notice to respond concerning your operation of these Part 15 devices. Please provide the makes and models of the U-NII devices in use by you on the rooftop of the San Felipe Plaza building rooftop on June 16, 2010. Your response should also describe the steps you are taking to ensure that your operation does not interfere with the TDWRs that serve the George Bush Intercontinental and William P. Hobby Airports, as well as any TDWR serving any other airport. 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 FCC'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.

Be advised that this warning does not preclude this office from pursuing additional sanctions based upon our investigation of this incident.

You may contact this office if you have any questions.

Stephen P. Lee
Resident Agent
Houston Office

Attachments:
Excerpts from the Communications Act of 1934, As Amended