

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:)	EB Docket No.: 15-67
)	
SHENZHEN TANGREAT TECHNOLOGY)	File No.: EB-10-SE-164
CO., LTD.)	FRN: 0019109180
)	
Grantee of Equipment Authorization,)	
FCC ID No. XRLTG-VIPJAMM)	

**ORDER TO SHOW CAUSE
AND NOTICE OF OPPORTUNITY FOR HEARING**

Adopted: April 21, 2015

Released: April 21, 2015

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. We direct Shenzhen Tangreat Technology Company, Ltd. (Shenzhen), to show cause in an administrative hearing why its Commission-certified equipment authorization (the Disputed Authorization) should not be revoked. We take this action based on evidence that Shenzhen apparently misrepresented to the Commission the equipment to be marketed and sold under the Disputed Authorization. Instead of the approved use, Shenzhen apparently marketed and sold jammer equipment, in violation of Sections 302(b) and 333 of the Communications Act of 1934.

II. BACKGROUND

2. Cell and other signal jammers operate by transmitting radio signals that overpower, block, or interfere with authorized communications. Although these devices have been marketed with increasing frequency over the Internet, their use in the United States is generally unlawful.¹ Jammers are designed to impede authorized communications, thereby interfering with the rights of the general public and legitimate spectrum users. They may also disrupt critical emergency communications between first responders, such as public safety, law enforcement, emergency medical, and emergency response personnel. Similarly, jammers can endanger life and property by preventing individuals from making 9-1-1 or other emergency calls or disrupting communications essential to aviation and marine safety. In order to protect the public and preserve unfettered access to and use of emergency and other communications services, the Act generally prohibits the importation, use, marketing, manufacture, and sale of jammers.²

¹ In this regard, we note that there are several narrow exceptions that apply outside the context of jammer use by (or sales to) individuals or businesses in the United States. For example, in very limited circumstances and consistent with applicable procurement requirements, jamming devices may be marketed to the federal government for authorized, official use. See 47 U.S.C. § 302a(c); 47 C.F.R. § 2.807(d).

² 47 U.S.C. § 302(a) & (b).

3. Shenzhen is a China-based corporation that develops and markets security and telecommunications equipment and by its own description specializes in jammer equipment.³ In 2009, Shenzhen submitted an application to an authorized Telecommunications Certification Body (TCB)⁴ seeking equipment authorization for a device that Shenzhen intended to market in the United States.⁵ Shenzhen's application described the device as a "JBP - Part 15 Class B computing peripheral"⁶ to be used for "preprocessing data."⁷

4. During its review of the application, the TCB observed that the block diagram and schematics accompanying the application appeared to depict receiver circuitry, which would mean the device was not a peripheral device but an "intentional radiator" subject to processing under different Commission Rules.⁸ In response, Shenzhen resubmitted the application with revised exhibits that no longer depicted receiver circuitry.⁹ The TCB determined that the revised technical information generally supported Shenzhen's characterization of the device as a peripheral capable of complying with the Commission's Rules applicable to unintentional radiators.¹⁰ Accordingly, on October 20, 2009 the TCB granted Shenzhen's request for an equipment authorization under the Disputed Authorization.¹¹

5. In early 2010, the Enforcement Bureau (Bureau) received information indicating that a device called TxTStopper™ was being offered for sale in the United States for the purpose of preventing cell phones from being used in moving vehicles. The Bureau began an investigation to determine whether the apparatus might constitute an illegal cell phone jammer. TxTStopper™ was being marketed as a "state of the art, hard wired mobile electronic device that totally prevents cell phone use while the vehicle is in drive mode."¹² The associated website indicated that TxTStopper™ worked with any U.S.-based cell phone to prevent anyone in the vehicle from making or receiving cell phone calls, text

³ See Shenzhen website at <http://www.tangreat.com/en/aboutus-default.html> (last visited Jan. 8, 2015).

⁴ A TCB is a private entity accredited by the National Institute of Standards and Technology and designated by the Commission, pursuant to Sections 2.960 and 2.962 of the Commission's Rules, to evaluate and, when appropriate, to approve, applications for equipment certifications.

⁵ See Letter from Timco Engineering, Inc. (the TCB for this authorization) to Raymond LaForge, Chief, Auditing and Compliance Branch, Office of Engineering and Technology Laboratory, Federal Communications Commission (September 17, 2010)(TCB Letter).

⁶ "JBP" is the equipment class code assigned by the Commission to designate Part 15 Class B Computing Device Peripherals on FCC Form 731, Application for Equipment Authorization. A peripheral device is an input/output unit of a system that feeds data into and/or receives data from the central processing unit of a digital device. Examples of peripheral devices include terminals, printers, external floppy disk drives and other data storage devices, video monitors, keyboards, interface boards, external memory expansion cards, and other input/output devices that may or may not contain digital circuitry. 47 C.F.R. § 15.3(r).

⁷ See TCB Letter.

⁸ See *id.* An intentional radiator is a device that intentionally generates and emits radio frequency energy by radiation or induction. 47 C.F.R. § 15.3(o).

⁹ See *id.*

¹⁰ See *id.*

¹¹ See <https://fjallfoss.fcc.gov/oetcf/eas/reports/GenericSearch.cfm>. The equipment authorization bears FCC ID No. XRLTG-VIPJAMM.

¹² TxTStopper™ website, at <http://www.txtstopper.com/cms> (visited June 29, 2010 and October 18, 2010).

messages, and e-mails within the “TXTSafe Zone™.”¹³ Once installed, the TxTStopper™ could not be intentionally or accidentally disabled by the driver.¹⁴

6. On July 20, 2010, the Bureau sent a letter of inquiry (LOI) to Share Enterprises Unlimited, Inc. (Share), the company that operated the txtstopper.com website requesting, among other inquiries, a sample of the TxTStopper™ device for independent testing.¹⁵ In its September 6, 2010 response, Share stated that it began “market research” of the TxTStopper™ on July 1, 2010, in response to a new Georgia law that banned texting while driving as well as other global initiatives intended to eliminate cell phone use while operating a motor vehicle.¹⁶ According to Share, TxTStopper™ affected only cell phones inside a vehicle in which the device was installed, and created no outside interference.¹⁷ Share further asserted that TxTStopper™ did not interfere with the user’s ability to make 9-1-1 calls at any time.¹⁸ Although Share did not provide any technical data or other evidence to substantiate these claims, it represented that the device had been certified under the Disputed Authorization.¹⁹ Share did not comply with the request for a sample of the device.

7. The Bureau requested that the Commission’s Office of Engineering and Technology (OET) review the relevant equipment authorization, as well as the underlying application and supporting documents.²⁰ OET’s review showed that, although Shenzhen’s application described the proposed device as a computer peripheral and Shenzhen’s accompanying test data suggested that the device generated no emissions other than those associated with a computer-related digital device, Shenzhen nonetheless characterized the equipment as an “RF Jammer.”²¹

8. In response to an OET inquiry, the TCB confirmed that Shenzhen’s application indicated that the equipment was intended to be used as a computing device peripheral.²² The TCB noted that, although the diagram that Shenzhen initially provided raised questions about whether the proposed device contained receiver and/or transmitting circuitry, Shenzhen’s revised exhibit addressed those concerns. Based on Shenzhen’s representations and its revised schematic diagrams, the TCB ultimately concluded that the device was strictly a computer peripheral without any receiving or transmitting circuitry.²³

9. On September 9, 2010, OET directed Shenzhen to provide within 30 days an explanation as to why the application was submitted as a JBP application for a Part 15 Class B computing peripheral

¹³ See *id.* at <http://www.txtstopper.com/cms/content/faqs> (visited June 29, 2010 and October 18, 2010).

¹⁴ See *id.*

¹⁵ See Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to Terrence Williams, CFO, Share Enterprises Unlimited, Inc. (July 20, 2010).

¹⁶ See Letter from Terrence Williams, Principal, Share Enterprises Unlimited, Inc., to Samantha Peoples, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, dated September 6, 2010 (LOI Response) at 1.

¹⁷ See LOI Response at 2.

¹⁸ See *id.*

¹⁹ See *id.*

²⁰ The Disputed Authorization was granted to Shenzhen on October 20, 2009. See <https://fjallfoss.fcc.gov/oetcf/eas/reports/GenericSearch.cfm>.

²¹ See FCC ID No. XRL-TGVIPJAMM, available at <https://fjallfoss.fcc.gov/oetcf/eas/reports/GenericSearch.cfm>.

²² See E-mail from Gretchen Greene, Timco Engineering, Inc., to Raymond LaForge, Chief, Auditing and Compliance Branch, Office of Engineering and Technology Laboratory, Federal Communications Commission (September 17, 2010).

²³ See *id.*

device when it appeared to be an intentional radiator capable of transmitting radio signals.²⁴ On September 16, 2010, OET directed Shenzhen to provide within 30 days a sample of the device certified under the Disputed Authorization to the OET Laboratory for testing.²⁵ There is no record that Shenzhen ever responded to either directive.

10. On November 2, 2010, agents from the Bureau's Atlanta Field Office examined a unit of the TxTStopper™ that had been installed in a vehicle owned by Just Driver Training, a driver's education training school located in Canton, Georgia. Tests conducted by the agents indicated that the TxTStopper™ was in fact a cellular/PCS jamming device and that, when installed in a vehicle, the TxTStopper™ was capable of blocking cellular communications initiated from both inside and outside of the vehicle,²⁶ apparently including 9-1-1 and other emergency calls.

III. DISCUSSION

11. Revoking an equipment authorization requires the same procedures as revoking a radio station license.²⁷ The Commission must serve the licensee with an order to show cause why revocation should not be ordered and must provide the licensee with an opportunity for a hearing.²⁸ As relevant here, the Commission may revoke any equipment authorization for any of the following reasons:

- a. "false statements or representations made either in the application or in materials or response submitted in connection therewith,"²⁹
- b. "[i]f upon subsequent inspection or operation it is determined that the equipment does not conform to the pertinent technical requirements or to the representations made in the original application,"³⁰
- c. "[i]f it is determined that changes have been made in the equipment other than those authorized by the rules or otherwise expressly authorized by the Commission,"³¹ or
- d. "because of conditions coming to the attention of the Commission which would warrant it in refusing to grant an original application."³²

²⁴ See Letter from Raymond LaForge, Chief, Auditing and Compliance Branch, Office of Engineering and Technology Laboratory, Federal Communications Commission, to Junrong Jiang, General Manager, Shenzhen Tangreat Technology Co., Inc. (September 9, 2010). The letter was sent to the email address listed in Shenzhen's equipment authorization application, tangreat@tangreat.com.

²⁵ See Letter from Raymond LaForge, Chief, Auditing and Compliance Branch, Office of Engineering and Technology Laboratory, to Shenzhen Tangreat Technology Co., Inc. (September 16, 2010). Under Section 2.945 of the Rules, the Commission may require responsible parties to submit equipment samples in order to determine the extent to which the equipment continues to comply with the data submitted by the applicant. 47 C.F.R. § 2.945.

²⁶ Field tests indicate that calls are blocked within a 150-foot radius of the vehicle.

²⁷ See 47 C.F.R. § 2.939(b) ("Revocation of an equipment authorization shall be made in the same manner as revocation of radio station licenses.").

²⁸ 47 U.S.C. § 312(c).

²⁹ 47 C.F.R. § 2.939(a)(1).

³⁰ *Id.* § 2.939(a)(2).

³¹ *Id.* § 2.939(a)(3).

³² *Id.* § 2.939(a)(4).

Shenzhen's original application apparently contained misrepresentations and/or unauthorized changes were apparently made to the TxTStopper™ device post-certification. Based on these apparent misrepresentations and/or unauthorized changes, Shenzhen apparently, willfully, and repeatedly violated these Rules and therefore substantial and material questions exist as to whether its authorization should be revoked.

A. Shenzhen Made False Statements and/or Misrepresentations in the Application or Supporting Materials.

12. Shenzhen's application described the device as a "JBP - Part 15 Class B computing peripheral." By using that description in its application, Shenzhen apparently intended for its proposed device to be processed under Commission rules relating to "unintentional radiators." When the TCB observed that the block diagram and schematics accompanying the application appeared to depict "receiver circuitry," Shenzhen resubmitted the application with revised exhibits that no longer depicted receiver circuitry. The TCB determined that the revised technical information generally supported Shenzhen's characterization of the device and thus granted Shenzhen's request for the Disputed Authorization based on the revised information.

13. The Commission's investigation, however, determined that the device marketed under the Disputed Authorization is an intentional radiator with a transmitter circuit designed to block, jam, or otherwise interfere with radio communications. The Commission's review of the test report and other data submitted with the application indicates that the device approved under the Disputed Authorization was tested when connected to a personal computer and the AC power line (rather than in a motor vehicle) and that it did not have any circuitry for receiving or transmitting radio signals. By contrast, the TxTStopper™ device that is being marketed by Share Enterprises under the Disputed Authorization is clearly intended for use in a motor vehicle, is apparently powered by the car battery, and contains receiving and transmitting circuitry.³³

14. Accordingly, the device marketed under the Disputed Authorization apparently is not identical to the sample tested as part of the application for certification, nor does it conform to the representations made in the original applications. The representations in the original applications were apparently made to mislead the certification body into concluding that the device is an unintentional radiator, a Part 15 Class B computer peripheral. Therefore, substantial and material questions exist as to whether the authorization should be revoked because the information in the application was false or misleading.³⁴

B. The Equipment Either Does Not Conform to the Technical Specifications in the Application and/or Unauthorized Changes Have Been Made to the Equipment.

15. The Commission's investigation demonstrated that the equipment marketed under the Disputed Authorization does not match the specifications described in the application granting the authorization. The nonconformity with the application provides two potential grounds for revocation.

16. First, substantial and material questions exist as to whether the authorization should be revoked because the equipment does not conform to the technical specifications in the application.³⁵ As described above, Shenzhen's application described the device as a "JBP - Part 15 Class B computing

³³ According to the txtstopper.com website, TxTStopper™ is "a simple 12v device and is easily installed in less than 1 hour by your local professional car stereo/auto alarm technician." <http://www.txtstopper.com/cms/content/faqs> (visited June 29, 2010 and October 18, 2010).

³⁴ See *id.* § 15.101-15.124.

³⁵ 47 C.F.R. § 2.939(a)(2).

peripheral.” The Commission’s investigation revealed that, contrary to this description, the device is apparently an intentional radiator with a transmitter circuit designed to block, jam, or otherwise interfere with radio communications. The equipment marketed under the Disputed Authorization therefore does not conform to the specifications in the application, a ground for revocation.³⁶

17. Second, in the alternative, substantial and material questions exist as to whether the authorization should be revoked because of unauthorized changes made to the equipment since the application’s grant.³⁷ If the specifications were correct at the time of the application, Shenzhen must have made changes to the equipment that were neither authorized by the Rules nor explicitly authorized by the Commission.

C. The Application Never Should Have Been Granted Originally.

18. An application for equipment certification should only be granted if it would serve the public interest and the device would comply with the pertinent technical rules.³⁸ As detailed above and based on the field tests conducted by Bureau staff, the TxTStopper™ – the device apparently being marketed under the Disputed Authorization neither served the public interest nor complied with the pertinent technical rules.

19. The Act and the Rules prohibit the use of radio frequency jammers which interfere with or block authorized radio signals. The Act unequivocally states that “[n]o person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government.”³⁹

20. Despite this prohibition, the Commission investigation demonstrated that the device marketed under the Disputed Authorization could prevent anyone in a vehicle in which it is installed from making or receiving cell phone calls or sending or receiving text messages or emails on a cell phone, and also can block calls made from outside the vehicle, apparently including 9-1-1 and other emergency calls.⁴⁰ Thus, this device is a radio frequency jammer, which interferes with or blocks authorized radio signals. The device marketed under the Disputed Authorization operated as a radio frequency jammer, in violation of the Act, our Rules, and contrary to the public interest, meaning substantial and material questions exist as to whether the application should have been granted.

IV. CONCLUSION

21. Accordingly, we are designating this matter for hearing before an Administrative Law Judge to determine whether the Disputed Authorization held by Shenzhen should be revoked on some or all of the bases outlined herein.

³⁶ *See id.*

³⁷ 47 C.F.R. § 2.939(a)(3).

³⁸ *Id.* § 2.803. The relevant technical rules here are 47 C.F.R. §§ 2.915, 2.931, 15.201.

³⁹ 47 U.S.C. § 333.

⁴⁰ The importance of preserving public safety and emergency communications free of jamming signals cannot be overstated and is reflected in the Commission’s investigations and enforcement actions in this area. *See, e.g., Phonejammer.com*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 3827 (Enf. Bur. Apr. 20, 2010) (initiating a \$25,000 forfeiture proceeding against the company for marketing jammers designed to interfere with cellular and “PCS” utilized by St. Lucie County, Florida Sheriff’s Office); *Everybuying.com*, Citation, DA 10-2295 (Enf. Bur. Dec. 6, 2010) (citing the company for marketing both cell phone signal and Global Positioning System (“GPS”) signal blocker devices, and noting that GPS signal blockers operate within restricted frequency bands listed in Section 15.205(a) of the Rules).

V. ORDERING CLAUSES

22. Accordingly, **IT IS ORDERED** that, pursuant to sections 312(a) and (c) of the Act,⁴¹ and authority delegated pursuant to sections 0.111, 0.311, 1.91(a) and 2.939(b) of the Rules,⁴² Shenzhen Tangreat Technology Co., Ltd. is hereby **ORDERED TO SHOW CAUSE** why its equipment authorization, FCC ID No. XRLTG-VIPJAMM, **SHOULD NOT BE REVOKED**. Shenzhen **SHALL APPEAR** before an Administrative Law Judge at a time and place to be specified⁴³ in a subsequent order and give evidence upon the following issues:

- (a) To determine whether Shenzhen made false statements or representations either in the application or in materials submitted in connection therewith (*see* Section 2.939(a)(1));
- (b) To determine whether the device marketed under FCC ID No. XRLTG-VIPJAMM does not conform to the pertinent technical requirements or to the representations made in the original application (*see* Section 2.939(a)(2));
- (c) To determine whether changes were made to the device certified under equipment authorization FCC ID No. XRLTG-VIPJAMM other than those authorized by the rules or otherwise expressly authorized by the Commission (*see* Section 2.939(a)(3));
- (d) To determine whether the Commission would be warranted in refusing to grant an original application for equipment authorization for the device certified under FCC ID No. XRLTG-VIPJAMM (*see* Section 2.939(a)(4)); and
- (e) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the equipment authorization held by Shenzhen under FCC ID No. XRLTG-VIPJAMM should be revoked.

23. **IT IS FURTHER ORDERED** that, pursuant to section 312(c) of the Act and sections 1.91(c) and 2.939(b) of the Rules,⁴⁴ to avail itself of the opportunity to be heard and to present evidence at a hearing in this proceeding, Shenzhen, in person or by an attorney, **SHALL FILE** with the Commission, within thirty (30) days of the service of this Order to Show Cause, a written appearance stating that it will appear at the hearing and present evidence on the issues specified above.

24. **IT IS FURTHER ORDERED** that, pursuant to section 312(c) of the Act and sections 1.92(c) and 2.939(b) of the Rules,⁴⁵ if Shenzhen fails to file a timely notice of appearance within the thirty (30) day period, or has not filed a petition to accept, for good cause shown, a written appearance beyond the expiration of the thirty (30)-day period, its right to a hearing **SHALL BE DEEMED TO BE WAIVED**. In the event that Shenzhen waives its right to a hearing, the presiding Administrative Law Judge **SHALL**, at the earliest practicable date, **ISSUE** an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission.

⁴¹ 47 U.S.C. § 312(a), (c).

⁴² 47 C.F.R. §§ 0.111, 0.311, 1.91(a), 2.939(b).

⁴³ The hearing proceeding that we commence with the release of this Order to Show Cause and Notice of Opportunity for Hearing supersedes in all respects the unresolved hearing proceeding commenced in EB Docket No. 10-247.

⁴⁴ 47 U.S.C. § 312(c); 47 C.F.R. §§ 1.91(c), 2.939(b).

⁴⁵ 47 U.S.C. § 312(c); 47 C.F.R. §§ 1.92(c), 2.939(b).

25. **IT IS FURTHER ORDERED** that the Chief, Enforcement Bureau, shall be made a party to this proceeding without the need to file a written appearance.⁴⁶

26. **IT IS FURTHER ORDERED** that, pursuant to section 312(d) of the Act and sections 1.91(d) and 2.939(b) of the Rules,⁴⁷ the burden of proceeding with the introduction of evidence and the burden of proof with respect to the issues specified above shall be on the Chief, Enforcement Bureau.

27. **IT IS FURTHER ORDERED** that a copy of this Order to Show Cause shall be sent pursuant to the “Hague Convention on Service Abroad of Judicial and Extrajudicial Documents” to the Central Authority of the People’s Republic of China, Ministry of Justice, International Legal Cooperation Center (ILCC), No. 6, Chaoyangmen Nandajie, Chaoyang District, Beijing, 100020, People’s Republic of China, to effect service on Shenzhen Tangreat Technology Co., Ltd., 4th Floor, R&D Building, Dacheng Industry, Jihua Road, Buji, Shenzhen, 518129, People’s Republic of China, 86-755-82527821 (facsimile), tangreat@tangreat.com (email).

28. **IT IS FURTHER ORDERED** that a copy of this Order to Show Cause, or a summary thereof, shall be published in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Travis LeBlanc
Chief, Enforcement Bureau

⁴⁶ See 47 C.F.R. § 0.111(b).

⁴⁷ See 47 U.S.C. § 312(d); 47 C.F.R. §§ 1.91(d), 2.939(b).