

[INCOMPLETE - UNDER CONSTRUCTION]

EB FACTS Case Report
 Case No.: EB-05-PA-144
 Run Date: Wed Sep 2 14:27:12 EDT 2009

Start Date: 09/16/2005 Office: PA HQ#: Local#: Master#: Close Date: 04/04/2006 Logged by:

COMPLAINANT		SUBJECT	
Name: [REDACTED]		Name: Cesar Manguba	
Company: Cingular Wireless		Company:	
Address:		Address:	
City:	State: [REDACTED]	City: Philadelphia	State: PA
Geo: [REDACTED]	Zip:	Geo: Philadelphia	Zip: 19116
Phone: [REDACTED]	Aux:	Phone:	Aux:
Email:		Email:	
P_Address::		P_Address::	
Notes:		Notes:	
Source: LOCAL	Freq: 824	[REDACTED]	
Safety: Non-Safety	Call:		
Special: None	Entity: Archived	Freq: 0	<input checked="" type="checkbox"/> Complaint
Utility: LOCAL	To: Archived	Call:	<input type="checkbox"/> Confidential
		Entity: Archived	<input type="checkbox"/> Congressional
		From: Archived	<input type="checkbox"/> Info Request
		ASR:	<input checked="" type="checkbox"/> Interference
		Lat:	XCity: Philadelphia
		Long:	XState: PA

Problem Description:
 Interference to Non-safety - Cingular wireless is getting harmful interference from an unidentified source at [REDACTED]

WORK EVENTS
 in reverse chronological order

Event Date: 04/04/2006	Agent: [REDACTED]	Event Type: OPEN/CLOSED	WeUtility: Archived
Problem Resolution: According to the USPS the Citation was delivered however, no response was ever submitted. Label/Receipt Number: 7099 3400 0014 4677 3220 Status: Delivered Your item was delivered at 11:16 am on January 25, 2006 in [REDACTED].			
Event Date: 01/17/2006	Agent: [REDACTED]	Event Type: OPEN/CLOSED	WeUtility: Archived
Problem Resolution: On January 12, 2006, the Philadelphia Office issued a Citation (Citation No C20063240001) to Cesar Manguba of Philadelphia, Pennsylvania for operating an incidental radiator (a motion-sensor light fixture) that was causing harmful interference to Cingular Wireless, in violation of Section 15.5(b) of the Rules.			
Event Date: 10/20/2005	Agent: [REDACTED]	Event Type: OPEN/CLOSED	WeUtility: Archived
Problem Resolution:			

On Oct 19, 2005, [redacted] ki and [redacted] a drove to [redacted] St, Philadelphia, PA at 10:14 p.m. and monitoring the 820 MHz bandwith the MDDF vehicle. At first the agents did not observe any emissions. They knocked on the door of the residence and met with Cesar Manguba. He turned on the light switch and the agents went back to their vehicle and observed emissios on 827 MHz. The light fixture was powered on but the lights were not illuminated because it was not dark. Still the light fixture radiated emissions that were centered on 827.7992 MHz. The agents again asked Cesar to turn off the light and the emissios dissappeared. Cesar said that he received the FCC letter many years ago but never replaced the light fixture.

The agents gave Cesar a verbal warning to cease operating the light because it was causing interference to Cingular Wireless and to recommended replacing the light to permanantly correct the problem. Cesar agreed to replace the light. The light had a model number EMS-320 and the number E102785 listed on its label.

The agents took pictures of the light and a snap shot of the spectrum analyzer display showing the interfering emissions from the light.

The PA Office will likely send an Citation to the owner of the light.

Event Date: 09/16/2005	Agent: [redacted]	Event Type: OPEN	WeUtility:
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Problem Resolution:
ixnt

On Sept 15, 2005 at 2:20 p.m. [redacted] of Cingular Wireless contacted [redacted] to report that Cingular was getting interference from an unidentifeid source at the residence [redacted]. [redacted] said Cingular tried to make contact with the owner but has been unable. [redacted] noted that we had already investigated an interference problem at this location from a light fixture. See case EB-00-PA-009. We sent a warning letter to subject on 1/12/00. [redacted] believes that person at the house has turned the unit back on.

[redacted] said he measured with a spectrum analyzer spurious emissions between 224-225. He used a yagi to locate the source at [redacted].

RULE VIOLATIONS
NOTE: Hot links may not work.

Event Date	Enf.Action Type	Sanction Type	Rule Viol.	Viol.Date	Doc.Number	\$ Amt.
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Federal Communications Commission

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

In the Matter of)	
)	File No.: EB-05-PA-144
Cesar Manguba)	
)	Citation No.: C20063240001
Philadelphia, Pennsylvania)	

CITATION

Released: January 12, 2006

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"),¹ to Cesar Manguba for violation of Section 15.5 of the Commission's rules ("Rules").²

2. The FCC's Philadelphia Office received a complaint from Cingular Wireless regarding emissions on the frequency 827.7 MHz that were preventing their customers from accessing the Cingular Wireless cellular telephone system in Philadelphia, PA. An investigation conducted by the Philadelphia Office on October 19, 2005 revealed that the emissions on the frequency 827.7 MHz were emanating from a motion detection light fixture in Cesar Manguba's residence. The motion detection light fixture is considered an incidental radiator and subject to the conditions of Section 15.5 of the Rules.³

3. Section 15.5(b) of the Rules states that "[o]peration of an intentional, unintentional or incidental radiator is subject to the condition 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." Section 15.5(c) of the Rules states that "the operator of a 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." Cesar Manguba's operation of the light fixture is causing harmful interference to the Cingular Wireless telephone system in violation of Section 15.5 of the Rules.

¹47 U.S.C. § 503(b)(5).

²47 C.F.R. § 15.5.

³An incidental radiator is a device that generates radio frequency energy during the course of its operation even though the device is not intentionally designed to generate or emit radio frequency energy.

Federal Communications Commission

4. Subsequent violations of the Communications Act and/or the Commission's Rules may subject the violator to substantial monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation,⁴ seizure of equipment through *in rem* forfeiture action, and criminal sanctions including imprisonment.⁵

5. Pursuant to Sections 4(i), 4(j), 308(b) and 403 of the Act, Cesar Manguba is directed to provide a complete description of the actions taken to prevent the harmful interference caused to the Cingular Wireless cellular telephone system within twenty (20) days from the date of this Citation.

6. Cesar Manguba may request an interview at the closest FCC Office, which is Federal Communications Commission, One Oxford Valley Building, Suite 404, 2300 East Lincoln Highway, Langhorne, Pennsylvania 19047.⁶ Cesar Manguba may contact this office by telephone, (215) 741-3016, to schedule this interview, which must take place within 14 days of this Citation. Cesar Manguba may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violation outlined above. Please reference file number EB-05-PA-144 when corresponding with the Commission.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Citation is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁸

8. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Cesar Manguba at his record of address.

FEDERAL COMMUNICATIONS COMMISSION



John E. Rahtes
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

⁴See 47 U.S.C. § 503(b)(2)(C); 47 C.F.R. § 1.80(b)(3)

⁵See 47 U.S.C. §§ 401, 501, 503, 510

⁶47 U.S.C. § 503(b)(5).

⁷P.L. 93-579, 5 U.S.C. § 552a(e)(3)

⁸18 U.S.C. § 1001 *et seq.*

9/15/05 2:20 pm

[REDACTED] [REDACTED]
- Cingular called
= house in NE Phia

[REDACTED]
- motion detector on light
Fence got them to turn off before because it

was causing IX - Brock on

[REDACTED] used a spectrum analyzer weeks ago
detected emissions on 824-825

Used yagi to show it was house
not able to contact owner

checked PIRMS

see EB-00 RA 00?

Cesar Manguba

[REDACTED]

Phia RA 13716

warning letter issued to subject on 1/12/00

located near RA 63 + RA 1

10/11/03 10:14 pm

WFO Room 10

[REDACTED]

US Navy Medical

[REDACTED]

SSA [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Model

EMS-32c 1

EIO 2183

Arrived at Cesar Mangubat's residence - [REDACTED] St, Phila PA
in MOOF observed emissions on 827.7 MHz. Had Cesar
MANGUBAT turn off light mounted above Studio Door - EMISSIONS
disappeared - [REDACTED] of Singulana reported to [REDACTED] on telephone
that interference was present when [REDACTED] observed light was ^{switched} on.
with light switch.

[REDACTED] took pictures of light which was a model EMS-32c
Phillips also took showed the spectral display from the Rohde Schwarz
Analyzer which showed the emissions centered at 827.9992
The file was saved under file name DATA 1011W03.000

Cesar said he had been operating light for months
and after he said he received letter from FCC in 2000
Cesar said he never took any corrective actions to
reduce interference to cell company since last received
in 2000

Coordinates of site [REDACTED]

[REDACTED]