

EB RAMS Case Management

#Name? OK

CASE REPORT EB-07-NY-111

5.5 HRS Spent on 30N37

Utility Field:

Safety Confidential Congressional Unlicensed Source: FAX

Suspense Date 6/4/2007

Status CLOSED

Start Date 4/2/2007 Office NY HQ# Local# Logged by [REDACTED]

| COMPLAINANT | | | | SUBJECT | | | |
|-------------|--------------|-------------|-------|---------------|------------|-------------|--|
| Name | [REDACTED] | | | URIEL BERCHIN | | | |
| Company | [REDACTED] | | | [REDACTED] | | | |
| Address | [REDACTED] | | | [REDACTED] | | | |
| City | Forest Hills | NY | 11375 | Forest Hills | NY | 11375 | |
| Pri Phone | [REDACTED] | Fax | | Pri Phone | [REDACTED] | Fax | |
| Alt Phone | | | | Alt Phone | | | |
| Call Sign | Freq | 77.2500 MHz | | Call Sign | Freq | 78.6750 MHz | |
| Xmtr City | State | Twr# | Lat | Long | | | |

Activity Enforcement - Interference Resolution
 Project HEEE Interference Other
 ActCode 30N37
 Action Plan Involved Not a WSR Item
 Rule Part VAR

GENERAL CASE DESCRIPTION

C-Alt Contact

C-Alt Call or ID

S-Contacts

Tower Owner:

Other Site Info:

Problem Description: IX to analog TV channel 5 (76 -82 MHz) from neighbor's home electronic equipment.

- Information Transfer
- Comm Prob Resolution
- HFDF Bearing
- Inquiry/Complaint
- Investigation
- Inspection
- Unlicensed
- Safety

RULE VIOLATIONS

| Rule Violation | Violation Date | Issue Date | Notice Type |
|----------------|----------------|------------|-------------|
| 15.5(b) | 4/10/2007 | 4/25/2007 | CITATION |

WORK EVENTS

| Event Date | Agent | Event Type | IN | OUT | Travel Cost | Problem Resolution |
|------------|------------|------------|-----|-----|-------------|---|
| 4/2/2007 | [REDACTED] | OPEN | 0.5 | | | Complainant [REDACTED] sent fax to NY Office, reporting local IX to TV channel 5 from some electronic equipment in neighbor Berchin's home. |

CASE REPORT EB-07-NY-111

| | | | |
|-------------------------|-------------|---------|--|
| 4/10/2007 | IX RESOLVED | 3.0 | on scene near [REDACTED] and observed on MDDF-7 analyzer and then on R&S Spectrum analyzer, weak noiselike carriers in the channel 5 band (76 -82 MHz) appearing to be emanating from [REDACTED]. Strongest carrier around 78.63 to 78.74 MHz. [REDACTED] inspected premises with owner Uriel Berchin and located source of IX to 2nd floor bedroom, which was a Radio Shack AM/FM amplified antenna. Signal frequency shifted when device was touched. When disconnected, IX disappeared. [REDACTED] advised Berchin that there has been a complaint, this is the 2nd occurrence caused by the same antenna (it happened in 2005), and that he should discontinue using it, since an unlicensed device shall not cause interference to a licensed station. He agreed to get rid of it and said he would get a new one. [REDACTED] checked in MDDF-7 after and IX was gone. Probable citation. |
| 4/25/2007 | ENF ACTION | 1.0 | Citation released. |
| 5/3/2007 | CLOSED | 1.0 | NY Office received response to Citation, stating that the powered antenna was purchased at Radio Shack, and he has stopped using the antenna, but he will have to purchase a new one since it is needed for reception in his area. |
| Totals Hours / Travel - | | 2.5 3.0 | \$0.00 |

[REDACTED]
[REDACTED]
Forest Hills, NY 11375
[REDACTED]

[REDACTED]
FCC of New York
201 Varick Street
New York, NY 10014

April 2, 2007

Dear [REDACTED]

As you requested in our phone conversation today, I am writing because I am experiencing a problem involving interference with broadcast television reception in my home and the surrounding area. As I mentioned when we spoke, your office already resolved the problem caused by my neighbor, Mr. Uriel Berchin, back in August 2005. Unfortunately, even though he told the people from your office then that he had inadvertently caused the problem, and would see to it that it did not happen again, he has now resumed doing whatever causes the interference to occur.

We are experiencing severe interference with Channel 5 television, and if this follows Mr. Berchin's pattern of last time, it will soon expand to other channels and radio reception as well, not only in my home but throughout a several block radius of the neighborhood.

Uriel Berchin, you may recall from the prior incident, is the president of BE LABS, Inc. The BE LABS website (belabs.com) tells of a wireless local loop system to transfer communications (computer, cable TV, phone, internet, audio, etc.) throughout a home wirelessly.

An article on the website ultrawidebandplanet.com /Products goes on to describe how Mr. Berchin has successfully used this system to broadcast data through walls and steel beams in a house. I believe Mr. Berchin is using his own home (89-12 68th Avenue, Forest Hills, NY) as a place to perform these experiments and that this is causing the interference I have described.

As I explained to State Assemblyman Andrew Hevesi's office the first time this occurred, the public airwaves are being disturbed and this could possibly create a barrier to emergency communications in this area. There could be health concerns arising from the

use of microwave broadcast from this system. I believe Mr. Berchin is not licensed to do such broadcasting and clearly needs to be stopped. The proliferation of this product without FCC examination and approval is of great concern.

After our conversation today and receipt of this letter of complaint, I look forward to your office preventing Mr. Berchin from once again illegally disturbing the public air waves. I would be most grateful to receive information regarding your progress. I can be contacted by phone at [REDACTED] or mail at [REDACTED], Forest Hills, NY 11375. With sincere thanks for your attention, I remain,

Sincerely,

[REDACTED]

CONTACT INFORMATION FOR URIEL BERCHIN

Uriel Berchin residing at
[REDACTED]
Forest Hills NY 11375
[REDACTED]

Uriel Berchin, President
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Meadow, NY 11554
[REDACTED]
[REDACTED]

Article regarding his work appears on WWW.ultrawidebandplanet.com/Products

=== COVER PAGE ===

TO: MR DAN NOEL

FAX:

FROM: ALAN LEVINE

FAX: [REDACTED]

TEL: [REDACTED]

2 PAGE[S] TO FOLLOW

COMMENT:

Federal Communications Commission

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

In the Matter of
Uriel Berchin
Forest Hills, NY

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)
)
)
)

File No. EB-07-NY-111
Citation No. C20073238008

CITATION

Released: April 25, 2007

By the District Director, New York District 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 Uriel Berchin for violation of Section 15.5(b) of the Commission's Rules.²

2. On April 2, 2007, the Enforcement Bureau's New York Office received a complaint from an area resident that a signal emanating from a private residence in Forest Hills, NY, was causing interference with reception of licensed broadcast services, specifically, WNYW TV, Channel 5.

3. On April 10, 2007, an agent from the New York Office investigated the interference and determined by direction finding techniques that the source of the interfering signal was an amplified AM/FM antenna located in a private residence owned by Uriel Berchin.

4. Section 15.5(b) of the Rules states that "[o]peration of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused..." Uriel Berchin's operation of a Part 15 device at his residence in Forest Hills, NY on April 10, 2007, which caused interference to a FCC licensee, violated this section.

5. Violations of the Act or the Commission's Rules may subject the violator to substantial monetary forfeitures,³ seizure of equipment through *in rem* forfeiture action, and criminal sanctions, including imprisonment.⁴

6. Pursuant to Sections 4(i), 4(j), and 403 of the Act,⁵ Uriel Berchin is directed to provide a complete description of the actions taken to cease and further prevent the harmful interference caused to the FCC licensee within fourteen (14) days from the date of this Citation. Please reference file number EB-07-NY-111 when corresponding with the Commission.

¹ 47 U.S.C. § 503(b)(5).

² 47 C.F.R. § 15.5(b).

³ 47 C.F.R. § 1.80(b)(3).

⁴ 47 U.S.C. §§ 401, 501, 503, 510.

⁵ 47 U.S.C. §§ 4(i), 4(j), 403.

Federal Communications Commission

7. Uriel Berchin may request an interview at the closest FCC Office, which is Federal Communications Commission, 201 Varick Street, Suite 1151, New York, New York 10014.⁶ Uriel determine if further enforcement action is required. Any knowingly or with intent to evade, which constitute a violation of this Citation is punishable by fine or imprisonment.⁸

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

FEDERAL COMMUNICATIONS COMMISSION

S. P. for D. P.

Daniel W. Noel
District Director
New York District Office
Northeast Region
Enforcement Bureau

⁶ 47 U.S.C. § 503(b)(5).

⁷ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

⁸ See 18 U.S.C. § 1001 *et seq.*

REC'D

APR 30 2007

NEW YORK, NY

Uriel Berchin
[REDACTED]
Forest Hills, NY 11375-5720

Friday, April 27, 2007

Federal Communication Commission
201 Varick St. Suite 1151
New York City, NY 10014
Att.: Daniel W. Noel
District Director
New York District Office
National Region
Enforcement Bureau

Sir,

Subject: Citation No. C20073238008, File No. EB-07-NY-111

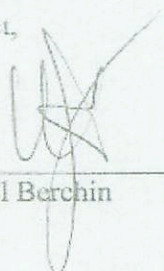
As per the complaint mentioned in the Citation notice, I have been using a powered AM/FM antenna for over 7 years. This antenna was purchased from Radio Shack store located on Continental Ave. in Forest Hills, per the advice of their salesperson, with the understanding that it is a legal equipment to be sold and used in residential environment. Unfortunately it seems that this particular equipment had a RF radiation leakage in the vicinity of UHF Channel 5.

This is not the place to explain why, after 7 years of using this piece of equipment, suddenly this neighbor is complaining specifically about me. But logic dictates that a low power radiation from a low power RF antenna is not the cause of his alleged interference.

Never-the-less, I relinquished the use of this product, much to my dismay. Unfortunately, the environment in which my audio equipment is operating, forces me to use an amplified antenna for FM reception. I have to assume when I buy a new one, that Radio Shack sells equipment that is FCC ruling part 15 compliant for residential use, as I have no means to test that myself.

I hope this matter is resolved.

With respect,



Uriel Berchin

4/14/07

IX on Channel 5

MDDF-7

monitored Ch 5 76-82 MHz.
Early in front of [redacted] to
[redacted] observed several
spurs in 76-82 MHz band.

"Spur pair" observed. 78,600-78,770
78,6289 - 78,7359.

~~Low~~
MDDF-7 peaks: 78,6325 and 78,7225
Loudest: 78,6873 (78,6759)
Highest reading

Stable frequency, varying
waveform amplitude.

Spectrum Analyzer R&S -
in front of [redacted] [redacted].

78,635
[redacted] went in residence [redacted]
[redacted] with Vuel Berlin -
[redacted] D'ed with SA signal
to FM amplified antenna (Radio
Shack) in bedroom upstairs.
Signal disappeared when tuned off.