CASE REPORT - EB-09-NY-0233

Run Date: 8/26/2009

Start Date: 7/28/2009
ClosedDate: 8/26/2009 Status: CLOSED Region: RC Office NY SolDate: 8/4/2010 Type: S
HQ#: Suspense Date 8/20/2009 Complainant: Liam O'Neill Sprint
Case Agent: [redacted] Response Time: Subject: Marcos A. Santos [redacted]

COMPLAINANT		Geo			SUBJECT	
Name/F-L:	[redacted]	Geo:	White Plains, NY	Bronx, NY Geo	Name/F-L:	MARCOS A. SANTOS
Company:	SPRINT	Freq:	0.0000	0.0000 Fre	Company:	
Address:	[redacted]	Call:		Call	Address:	[redacted]
City:	[redacted] ST [redacted]	Method:	EMAIL	- - 0 FRN	City:	Bronx ST: NY
Pri Phone:	[redacted] Zip [redacted]	Entity:	Licensee/Registra	Individual - NonL Ent	Pri Phone:	[redacted] Zip: 10461
Fax/Aux:		To:	024 - PCS - Perso	027 - Wireless Se Fro	Fax/Aux:	
Email:		Safety:	Non-Safety	None Spec	Email:	
Phys. Add.:		Complt:	YES	Util	Phys.Add.:	
		IX:	YES	Loc:		
		Confid:		Mas		
		Cong.:		ASR		
		InfoTrs:		Lat		
				Lng		
				XCit		
				XState		

Complainant Notes

[redacted] - RF Engineer (Sprint)
Interference Mitigation - NY-NJ-CT
Public Safety Interference POC

Subject Notes

Case Summary:

Complaint from Sprint on interference to one of their cell sites from a wireless camera installed at a residential house.

WORK EVENTS

EventDate	Agen	EventeUtility
7/28/2009	[redacted]	COMF
Prob.Resolution:		NY Officed e-mail complaint from [redacted] from Sprint complaining of interference to one of their cell sites from a wireless ed at a residential house.
7/29/2009	[redacted]	UPDA
Prob.Resolution:		[redacted]
8/4/2009	[redacted]	INVESvremon invos invmddf invinv
Prob.Resolution:		10 a.m. - house located at [redacted] NY 10461, identified by Sprint as having a Astak camera installed at that locatto Sprint's cell sites. Agent observed the camera installed at that location and observed the camera to be active with a sigthe 900 MHz SMR uplink band. Agent knocked on the door of the house and a man answered the door. The man identifiedrcos A. Santos, owner of the house. Agent explained to Mr. Santos that the Astak camera installed in the front of the house wa Sprint. Mr. Santos explained to the agent that he had called the phone number listed in the letter provided to him by Sprint defective cameras, but the representative did not provide proper assistance to him. Agent called Liam O'Neill of Sprint an Santos' problem to him and requested for him to call Astak to resolve the problem, which he said he will do. Mr. Santos thnt for the help. Agent requested Mr. Santos to shut off the camera in the meantime, which Mr. Santos agreed he would doe week, till he receives the replacement camera.
8/6/2009	[redacted]	ENFOued:Citation DocNum: C20
Prob.Resolution:		15.5(b);
8/26/2009	[redacted]	CLOSoseSanctions
Prob.Resolution:		Closed.

RULES VIOLATED

Event Date	Enf.Action Tn Type	Rule Violation	Viol. Date	Document Num.	$ Amount	Brief Notes
8/6/2009	Issued)	15.5(b)	8/4/2009	C200932380006		Citation issued.

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

In the Matter of	)	
	)	File No.: EB-09-NY-0233
Marcos A. Santos	)	
	)	Citation No.: C200932380006
Bronx, New York	)	

CITATION

Released: August 6, 2009

By the District Director, New York 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 Marcos A. Santos for violation of Section 15.5(b) of the Commission's Rules ("Rules").[2]

2. On July 28, 2009, the FCC's New York Office received a complaint from an FCC licensee concerning interference to its wireless telecommunications network in the 900 MHz SMR uplink band in Bronx, New York. On August 4, 2009, an agent from the New York Office investigated the allegation and located the interfering signal emanating from a residential house located in Bronx, New York. Further investigation revealed that the source of the interfering signal was an Astak surveillance camera system (model CM-918T2), a Part 15 device, located on the front of the house.

3. 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 . . . ."[3] Section 15.5(c) provides 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."[4] During the inspection on August 4, 2009, the agent warned the tenant at that location that they must cease operating the camera because it was causing interference to a licensed wireless telecommunications network.

4. Violations of the Act or the Commission's Rules may subject the violator to substantial monetary forfeitures,[5] seizure of equipment through *in rem* forfeiture action, and criminal sanctions including imprisonment.[6]

5. Marcos A. Santos may request an interview at the closest FCC Office, which is Federal Communications Commission, 201 Varick Street, Suite 1151, New York, New York,

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[1] 47 U.S.C. § 503(b)(5).
[2] 47 C.F.R. § 15.5(b).
[3] *Id.*.
[4] 47 C.F.R. § 15.5(c).
[5] 47 C.F.R.§ 1.80(b)(3).
[6] 47 U.S.C. §§ 401, 501, 503, 510.

10014.[7] You may contact this office by telephone, (212) 337-1865, to schedule this interview, which must take place within 14 days of this Citation. Marcos A. Santos 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 violations outlined above. Please reference file number EB-09-NY-0233 when corresponding with the Commission.

6. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.[8] Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.[9]

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

FEDERAL COMMUNICATIONS COMMISSION

EC for D.D.

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

[7] 47 U.S.C. § 503(b)(5).
[8] *See* Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).
[9] *See* 18 U.S.C. § 1001 *et seq.*