

CASE REPORT EB-06-NY-209

10 HRS Spent on

Utility Field:

Suspense Date 12/19/2006

☐ Safety ☐ Confidential ☐ Congressional ☐ Unlicensed

Source: LOC VIA EMA Status

CLOSED

Start Date 10/18/20 Office NY HQ#

Local#

Logged by

COMPLAINANT		SUBJECT		Activity
Name				
Company	SPRINT NEXTEL CORP			Project
Address				ActCode
City			NY	
Pri Phone	Fax	Pri Phone	Fax	Action Plan Involved
Alt Phone		Alt Phone		
Call Sign	Freq 817.0000 MHz	Call Sign	Freq MHz	Rule Part
Xmtr City	State	Twr#	Lat	Long

GENERAL CASE DESCRIPTION

C-Alt Contact

C-Alt Call or ID

S-Contacts

Tower Owner:

Other Site Info:

Problem Complaint of ix to one of Nextel's cell sites coming from a private residence

Description:

- ☐ 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)	10/24/2006	10/25/2006	VERBAL WARNI
15.5(b)	10/24/2006	11/9/2006	CITATION

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WORK EVENTS

Event Date	Agent	Event Type	IN	OUT	Travel Cost	Problem Resolution
10/18/2006	█	OPEN		0.5		█ received e-mail complaint from █ of Sprint Nextel, complaining of ix to one of Nextel's cell sites coming from an external antenna located on the roof of a private house.
10/24/2006	█	UPDATE		3.0		2 p.m. - █ monitored the 800 MHz band and observed the ix at 819 MHz, approximately 1 MHz wide. Agents dfed the ix to █ Saint Albans, NY 11412. Agents met with █ of Nextel in front of █, who showed the agents the ix on his equipment as well and confirmed that he found the ix coming from this house. Agents observed a small black box mounted on the antenna mast on the roof of █. Agents knocked on the door of the house, but no one answered. Agent left a note to call the NY Office in reference to an ix complaint the FCC NY Office was investigating.

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10/25/2006	UPDATE	0.5	<p>4:10 p.m. - [REDACTED] received a call from [REDACTED], president of the neighborhood association [REDACTED], in reference to the note, the agent left at the house of [REDACTED] Saint Albans, NY, to call the NY Office. Agent explained to [REDACTED] who was calling on behalf of Mr. & Mrs. Green, that the amplifier located on their tv antenna on the roof of their house was causing ix to Sprint Nextel and it needed to be shut off as soon as possible. [REDACTED] said she understood and that she would relay the message to Mr. & Mrs. Green and have them call the NY Office.</p> <p>4:20 p.m. - [REDACTED] received a phone call from a woman identifying herself as [REDACTED] and who said that she was the owner of [REDACTED] Saint Albans, NY. Agent explained to [REDACTED] that agents visited her residence in reference to the ix that was coming from their amplifier located on the antenna mast on top of their roof. [REDACTED] said the ix was not coming from their house and directed the agent to search elsewhere, despite the agent informing [REDACTED] that agents went around the whole neighborhood tracking down the ix and found the ix coming from their residence, particularly the amplifier located on the antenna mast on top of their roof. [REDACTED] was very argumentative with the agent and told the agent that people had been visiting her residence for the past 3 weeks in reference to this ix complaint, asking for access into her house to find the source of the ix. Agent informed [REDACTED] that they visited her residence only one time, and as no one was there at the time, agent left a note to her to call the NY Office along with a business card, in addition, agents were not asking [REDACTED] for access into her residence as the ix problem had been identified to be coming from the amplifier on the antenna mast on top of the roof of her house, and agents were requesting [REDACTED] to unplug the power going to that amplifier and remove that device as soon as possible as that was the source of the ix. [REDACTED] said she refused to do anything about the ix as it was not causing her any problems and will not do anything further until agents come by her house once more, but this time with police or unless they sent her something official in writing. Agent expressed regret to Mrs. Chase that she was not cooperating with the NY Office's efforts to resolve the ix to Sprint Nextel and informed her that an official letter will be sent to her informing her of the NY Office findings of ix coming from her residence and requesting her to cease the ix as soon as possible.</p>
11/9/2006	UPDATE	0.5	Citation issued.
11/17/2006	UPDATE		<p>[REDACTED] MONITORED AND SPOKE WITH THE GREENS ABOUT THE PROBLEM. [REDACTED] RUN A TEST WHICH SHOW IX WAS COMING FROM THAT HOUSE. IX DID NOT RETURN.</p> <p>[REDACTED] WILL CONTACT GREEN IF PROBLEM RETURNS.</p>
12/2/2006	UPDATE		<p>11 a.m. - [REDACTED] monitored and met with Mr. Green and checked every room in the house and found an unused TV amplifier, Phillips Magnavox, in the attic that was the source of the problem. The amplifier was turned off.</p>
12/7/2006	CLOSED	0.5	Closed.
Totals Hours / Travel -		2.0	\$0.00

Federal Communications Commission

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

In the Matter of

Edna Greene

Saint Albans, NY

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File No. EB-06-NY-209

Citation No. C20073238002

CITATION

Released: November 9, 2006

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 Edna Greene for violation of Section 15.5(b) of the Commission's Rules.²

2. On October 18, 2006, the Enforcement Bureau's New York Office received a complaint from a FCC licensee that a signal coming from a nearby private residence in Saint Albans, NY, was causing interference to its radio transmitters.

3. On October 24, 2006, agents from the New York Office investigated the interference and determined by direction finding techniques that the source of the interfering signal was a private residence owned by Edna Greene to your residence. Specifically, agents determined that an amplifier located on the antenna mast on the roof of her house was causing the interference.

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. ..." Edna Greene's operation of a Part 15 device at her residence in Saint Albans, NY on October 24, 2006, 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 Edna Greene 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.

7. Edna Greene may request an interview at the closest FCC Office, which is:

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. §§ 154(i), 154(j), 403.

Federal Communications Commission

Federal Communications Commission
New York Office
201 Varick Street, Suite 1151
New York, NY 10014

Edna Greene may contact this office by telephone at 212-337-1865 to schedule an interview which must take place within fourteen (14) days of the date of this Citation. Edna Greene may also submit a written statement to this office within fourteen (14) days of the date of this Citation. Any written statement should specify what actions have been taken to correct the violations outlined above. Please reference file number EB-06-NY-209 and citation number C20073238002 when corresponding with the Commission.

8. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.⁶ Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.⁷

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 Edna Greene at her address of record.

FEDERAL COMMUNICATIONS COMMISSION

DSE for DD

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

⁶ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

⁷ See 18 U.S.C. § 1001 *et seq.*

Emil Cherian

From: Lais, Max [Contractor for Sprint] [REDACTED]
Sent: Wednesday, October 18, 2006 10:04 AM
To: [REDACTED]
Subject: FW: Interference coming from 116-39 197th St. in Queens
Attachments: 119-39 197th St Pic2.jpg; 119-39 197th St Pic3.jpg; 119-39 197th St Pic4.jpg; 166-39 197th St Scan.gif; 119-39 197th St Map.jpg; 119-39 197th St Pic1.jpg; NY3730R-1 10-10-06 Uplink.mht

From: Lais, Max [Contractor for Sprint]
Sent: Thursday, October 12, 2006 10:14 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Interference coming from 116-39 197th St. in Queens

[REDACTED]

has shown that this type of signal is usually associated with a defective broadcast TV amplifier and all my direction finding has pointed towards the external antenna on this residence (see attached pictures). If you look closely, you can see that there is some sort of box mounted to the antenna mast which I suspect is the amplifier itself. Some of these units can be remotely powered up the coax so they can be near the antenna. We have approached the tenant, a gentleman named "Green", but he denied any knowledge of an amplifier & will not let us in to look for it. We have asked him to contact the landlord, a person he called Mr. Chase, to inform him of our problem but "Green" has refused and chased us off on our last visit. I have informed "Green" that my only alternative is to notify the FCC & he told me to go right ahead. "Green" is an older gentleman with a vision problem who probably doesn't really understand all of this so a gentle approach is probably best. Our usual policy is to replace any defective consumer equipment that is still being used or remove any unused devices. Most people now have CATV or DTV and are unaware these things are still plugged in. We would still be willing to replace any consumer device causing this signal if that is what it would take to solve the issue and satisfy the resident. Please let me know if you need any assistance.

Max Lais
Sprint Nextel Corp
[REDACTED]

<<[REDACTED] Pic2.jpg>> <<[REDACTED] Pic3.jpg>> <<[REDACTED] Pic4.jpg>> <<[REDACTED] Scan.gif>> <<[REDACTED] Map.jpg>> <<[REDACTED] Pic1.jpg>> <<NY3730R-1 [REDACTED] Uplink.mht>>

1/16/2007