

FHH Telecom Law
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**FCC, RCMP Ally to Nab
Equipment Manufacturer**

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In an interesting and unusual show of international unity, Canadian regulators called up the FCC and told the Agency that they had problems with a company from Taiwan. The problem was with the company's wireless internet consumer equipment which was being sold throughout North America under two brand names. The Canadians had tested the equipment and found that it created spurious emissions.

Tipped off to the potential miscreants, alert FCC agents quickly trotted off to a store and wrestled the wireless equipment to the ground. The agents tested the equipment and found that, as promised by the Canadians, the equipment did create spurious emissions. The FCC wrote a letter to the company indicating that they had problems with the equipment. The company wrote back and provided the FCC with test reports and information about the equipment. The company thought that its equipment passed Part 15 certification requirements.

However, the FCC dusted off its rule book and pointed to subsection (b) of rule section 2.947. Gotcha! The company's testing report failed to identify the measurement procedures used when the company conducted the testing. More importantly, the FCC (and our neighbors to the North) did find that the equipment was producing spurious emissions.

The base fine for marketing unauthorized equipment is \$7,000. However, because the FCC found that the company had been distributing the equipment for at least 17 months in large quantities, it more than tripled the fine to \$25,000. The FCC also justified the large fine on the fact that the company had revenues of \$133 million in 2005 and could pay the higher fine. The equipment was being sold under the brand names of Hawking Model HWRR54 and Phoebe AR315W.