FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

July 26, 2007

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Shopila Corporation
192 Lexington Avenue, #504
New York, NY 10016

Re: File No. EB-07-SE-085

Dear Sir/Madam:

This is an official **CITATION**, issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"), 47 U.S.C. § 503(b)(5), for marketing in the United States certain police radar jamming devices manufactured by Rocky Mountain Radar ("RMR"), specifically, the RMR-C450 device, in violation of Section 302(b) of the Act, 47 U.S.C. § 302a(b), and Sections 2.803, 15.205 and 15.209 of the Commission's Rules ("Rules"), 47 C.F.R. §§ 2.803, 15.205 and 15.209. As explained below, future violations of the Commission's rules in this regard may subject your company to monetary forfeitures.

On February 22, 2007, the Spectrum Enforcement Division ("Division") of the Enforcement Bureau received a complaint alleging that Shopila Corporation is marketing the RMR-C450 device. On July 12, 2007, the Division staff visited Shopila Corporation's Internet web site at www.shopila.com and observed that Shopila Corporation is marketing the RMR-C450 device.

On January 31, 2007, the Division issued a Notice of Apparent Liability for Forfeiture ("*NAL*") proposing a $25,000 forfeiture against RMR for marketing the RMR-S201 and RMR-C450 devices in apparent willful and repeated violation of Section 302(b) of the Act and Sections 2.803, 15.205 and 15.209 of the Rules.[1] In the *NAL*, we noted that the Commission's Office of Engineering and Technology ("OET") Laboratory had obtained samples of the RMR-S201 and RMR-C450 devices directly from RMR for testing.[2] Testing of the samples indicated that both units are designed to emit a signal that intentionally interferes with a licensed radio service (police radar), and are indeed capable of interfering with police radar.[3] Therefore, the OET Laboratory concluded that the devices are intentional radiators, as described in Section 15.3(o) of the Rules, 47 C.F.R. § 15.3(o).[4] In addition, the OET Laboratory's tests indicated that the RMR-C450 device produced a radiated emission at 11.23 GHz, a restricted frequency band listed in Section 15.205 of the Rules, and that this radiated emission substantially exceeds the

[1] *Rocky Mountain Radar*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 1334 (Enf. Bur., Spectrum Enf. Div., 2007) ("*RMR*").

[2] *Id.* at 1335.

[3] *Id*.

[4] *Id.* An intentional radiator is defined by Section 15.3(o) of the Rules, 47 C.F.R. § 15.3(o), as "[a] device that intentionally generates and emits radio frequency energy by radiation or induction."

radiated emission limits for intentional radiators specified in Section 15.209 of the Rules.[5] The OET Laboratory also concluded that the RMR-C450 device was improperly certified.[6] In this regard, the OET Laboratory noted that the grant of certification issued for the RMR-C450 device indicates that the device was tested as an "unintentional radiator."[7] As explained above, however, the OET Laboratory found that the device is an intentional radiator.

Section 302(b) of the Act provides that "[n]o person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section." Section 2.803(a)(1) of the Rules, 47 C.F.R. § 2.803(a)(1), provides that:

> no person shall sell or lease, or offer for sale or lease (including advertising for sale or lease), or import, ship, or distribute for the purpose of selling or leasing or offering for sale or lease, any radio frequency device unless … [i]n the case of a device subject to certification, such device has been authorized by the Commission in accordance with the rules in this chapter and is properly identified and labeled as required by § 2.925 and other relevant sections in this chapter.

Pursuant to Section 15.201 of the Rules, 47 C.F.R. § 15.201, intentional radiators must ordinarily be authorized in accordance with the certification procedure prior to marketing. Section 2.803(g) of the Rules, 47 C.F.R. § 2.803(g), however, provides in pertinent part that:

> [R]adio frequency devices that could not be authorized or legally operated under the current rules … shall not be operated, advertised, displayed, offered for sale or lease, sold or leased, or otherwise marketed absent a license issued under part 5 of this chapter or a special temporary authorization issued by the Commission.

Further, Section 333 of the Act, 47 U.S.C. § 333, prohibits any person from willfully or maliciously interfering with or causing interference to any radio communications of any station licensed or authorized by the Commission. Moreover, Section 15.205 of the Rules prohibits radiated emissions, other than spurious emissions,[8] in any of the restricted frequency bands listed in that section. Thus, intentional radiators that cannot legally be operated – because, for example, they interfere with or jam licensed police radio facilities or operate in restricted frequency bands – are not eligible for a grant of equipment certification. Finally, Section 15.209 of the Rules sets forth the radiated emission limits applicable to intentional radiators.

As noted above, contrary to the claims of RMR, the RMR-S201 and RMR-C450 devices are intentional radiators. These devices are not, however, eligible for a grant of certification because their

---

[5] *RMR*, 22 FCC Rcd at 1335.

[6] *Id*. RMR obtained certification for the RMR-C450 under FCC ID No. QKK-C03 by representing to a Telecommunications Certification Body that the device was a radar detector. We note, however, that RMR marketed the device as a radar detector and a radar "scrambler."

[7] *RMR*, 22 FCC Rcd at 1335. An "unintentional radiator" is defined by Section 15.3(z) of the Rules, 47 C.F.R. § 15.3(z), as:

> [a] device that intentionally generates radio frequency energy for use within the device, or that sends radio frequency signals by conduction to associated equipment via connecting wiring, but which is not intended to emit RF energy by radiation or induction.

[8] Section 2.1(c) of the Rules, 47 C.F.R. § 2.1(c), defines a spurious emission as "[e]mission on a frequency or frequencies which are outside the necessary bandwidth and the level of which may be reduced without affecting the corresponding transmission of information."

intended purpose is to interfere with Commission authorized radio facilities, specifically, licensed police radar, in violation of Section 333 of the Act, and the OET Laboratory has determined that these devices in fact are capable of interfering with police radar.[9] Moreover, there are two additional grounds for finding the marketing of the RMR-C450 device to be unlawful. The RMR-C450 device is not eligible for a grant of certification because it produces a radiated emission in the restricted frequency band at 11.23 GHz in violation of Section 15.205 of the Rules.[10] This radiated emission also substantially exceeds the radiated emission limits for intentional radiators specified in Section 15.209 of the Rules.[11]

Additionally, the record before us indicates that Shopila Corporation apparently is and has been marketing the RMR-C450 device. Accordingly, it appears that Shopila Corporation has violated Section 302(b) of the Act and Section 2.803 of the Rules by marketing the RMR-C450 device, which is not eligible for a grant of equipment certification because it is intended to interfere with licensed police radar, in violation of Section 333 of the Act. Shopila Corporation has also apparently violated Section 302(b) of the Act and Sections 2.803, 15.205 and 15.209 of the Rules by marketing the RMR-C450 device, which is not eligible for a grant of equipment certification because it produces a radiated emission in the restricted frequency band at 11.23 GHz, and which produces emissions that substantially exceed the radiated emission limits for intentional radiators.

If, after receipt of this citation, Shopila Corporation violates the Communications Act or the Commission's Rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed $11,000 for each such violation or each day of a continuing violation.[12]

If you choose to do so, you may respond to this citation within 30 days from the date of this letter either through (1) a personal interview at the Commission's Field Office nearest to your place of business, or (2) a written statement. Your response should specify the actions that Shopila Corporation is taking to ensure that it does not violate the Commission's rules governing the marketing of intentional radiating jamming devices in the future.

The nearest Commission field office is the New York Office in New York, New York. Please call Celia Lewis at 202-418-1160 if you wish to schedule a personal interview. You should schedule any interview to take place within 30 days of the date of this letter. You should send any written statement within 30 days of the date of this letter to:

Kathryn S. Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Rm. 3-C366
Washington, D.C. 20554

Under the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), we are informing you that the Commission's staff will use all relevant material information before it, including information that you disclose in your interview or written statement, to determine what, if any, enforcement action is required to ensure your compliance with the Communications Act and the Commission's rules.

[9] *RMR*, 22 FCC Rcd at 1337-8.

[10] *Id.* at 1338.

[11] *Id.*

[12] *See* 47 C.F.R. § 1.80(b)(3).

The knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Kathryn S. Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau