

TO:

James Schlichting, Acting Wireless Telecommunications Bureau Chief  
David Furth, Acting Public Safety & Homeland Security Bureau Chief  
Kris Monteith, Enforcement Bureau Chief

and

The Commission

RE:

WIRELESS TELECOMMUNICATIONS BUREAU RECEIVES REQUEST FROM  
CELLANTENNA CORPORATION FOR SPECIAL TEMPORARY AUTHORITY TO  
DEMONSTRATE RADIO FREQUENCY JAMMING EQUIPMENT

March 10, 2009

WT Docket No. 09-30

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-09-570A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-09-570A1.pdf)

Gentlemen:

Thank you for providing the opportunity to respond to the above  
referenced document.

In my opinion, the Commission's denial of the CellAntenna request  
would be in the best and most responsible interests of all wireless  
spectrum stakeholders.

Allowing an STA to "test" a signal jammer is tantamount to opening  
the fabled "Pandora's Box". Once opened, a precedent will have been  
set that may preclude the Commission from ever being able to close the box. (Refer to the  
background and history of WT Docket 02-55 or,  
even the Citizens Band era, as a reference).

Are there not enough other spectrum "pollution" generating devices,  
blatantly flagrant, overlooked, or otherwise ignored Rules  
violations, or similar challenges for the Commission to deal with in  
today's wireless society? I respectfully request that the Commission

re-focus if efforts on dealing with these issues now rather than after they have opened CellAntennas "Pandora's Box".

The Commission should adhere to its Rules in this and other similar matters and deny CellAntennas request. Additionally, it should begin aggressively enforcing all pertinent Rules relative to the availability and use of RF signal jammers.

Let me conclude my comments in this matter by referring you to the below referenced pertinent information:

DA # 05-1776 - June 27, 2005

Sale or Use of Transmitters Designed to Prevent, Jam or Interfere with Cell Phone Communications is Prohibited in the United States

[http://www.fcc.gov/eb/Public\\_Notices/DA-05-1776A1.html](http://www.fcc.gov/eb/Public_Notices/DA-05-1776A1.html)

[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DA-05-1776A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-05-1776A1.pdf)

Additionally, below are what appear to be the applicable Rules regarding "signal" or "cellular jamming" or similar devices. Perhaps the Commission should be sharing this information with those who apparently are in violation both Section 302 [47 U.S.C. 302], Section 333 [U.S.C 47 333] and, possibly other sections of the Act?

Communications Act of 1934, as Amended by the Telecommunications Act of 1996

TITLE III--PROVISIONS RELATING TO RADIO  
PART I--GENERAL PROVISIONS

SEC. 302. [47 U.S.C. 302] DEVICES WHICH INTERFERE WITH RADIO RECEPTION.

(b) No 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.

SEC. 333. [47 U.C.S. 333] WILLFUL OR MALICIOUS INTERFERENCE.

No person shall willfully or maliciously interfere with or cause interference to any radio communications of any station licensed or authorized by or under this Act or operated by the United States Government.

TITLE V -- PENAL PROVISIONS -- FORFEITURES

SEC. 501. [47 U.S.C. 501] GENERAL PENALTY.

Any person who willfully and knowingly does or causes or suffers to be done any act, matter, or thing, in this Act prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this Act required to be done, or willfully and knowingly causes or suffers such omission or failure, shall upon conviction thereof, be punished for such offense, for which no penalty (other than a forfeiture) is provided in this Act, by a fine of not more than \$10,000 or by imprisonment for a term not exceeding one year, or both; except that any person, having been once convicted of an offense punishable under this section, who is subsequently convicted of violating any provision of this Act punishable under this section, shall be punished by a fine of not more than \$10,000 or by imprisonment for a term not exceeding two years, or both.

SEC. 502. [47 U.S.C. 502] VIOLATION OF RULES, REGULATIONS, AND SO FORTH.

Any person who willfully and knowingly violates any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this Act, or any rule, regulation, restriction, or condition made or imposed by any international radio or wire communications treaty or convention, or regulations annexed thereto, to which the United States is or may hereafter become a party, shall, in addition to any other penalties provided by law, be punished, upon conviction thereof, by a fine of not more than \$500 for each and every day during which such offense occurs.

SEC. 510. [47 U.S.C. 510] FORFEITURE OF COMMUNICATIONS DEVICES.

(a) Any electronic, electromagnetic, radio frequency, or similar device, or component thereof, used, sent, carried, manufactured, assembled, possessed, offered for sale, sold, or advertised with willful and knowing intent to violate section 301 or 302, or rules prescribed by the Commission under such sections, may be seized and forfeited to the United States.

(The text of the entire Act can be found here: <http://www.fcc.gov/Reports/1934new.pdf>)

(Signed)

Nick Ruark

General Manager

Quality MobileCommunications, LLC

12200 NE 60th Way Suite A-108

Vancouver, WA. 98682