
FCC Enforcement Monitor

By Scott R. Flick and Paul A. Cicelski

Headlines:

- *FCC Catches GPS Jammer at Airport*
 - *\$75,000 Consent Decree Adopted for Class A TV Violations*
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Jamming Device in Truck Disrupts GPS Navigation at Newark Liberty International Airport

On August 1, 2013, the FCC issued a Notice of Apparent Liability for Forfeiture (NAL) in the amount of \$31,875 to an individual in New Jersey for repeated use of a GPS jamming device. The individual had installed a signal jammer in his company-supplied truck, apparently to prevent his employer's GPS tracking system from knowing his whereabouts.

While use of a signal jammer is itself illegal, the offender compounded his troubles when his GPS signal jammer interfered with the navigation signals at the Port Authority of New York and New Jersey. The FCC's investigation into this matter arose when the FCC was contacted by the Federal Aviation Administration on behalf of the Port Authority. The FAA reported that the Port Authority had been experiencing interference in testing a ground-based aviation navigation system at Newark Liberty International Airport.

At that airport—one of the busiest in the nation, according to the FCC—an agent from the FCC's New York Enforcement Bureau office determined that a red Ford pickup truck was emanating radio signals within the restricted 1559 to 1610 MHz band used by GPS satellites. The driver was stopped by Port Authority police at the airport gate. He then surrendered the jamming device to the FCC agent, and the interference with Newark's navigation equipment ceased.

In determining the appropriate penalty, the FCC found three separate violations of its rules: (1) operating the transmission equipment without a license; (2) using unauthorized equipment; and (3) interfering with authorized communications, which was of particular concern in this case, with repeated and dangerous interference to critical air navigation equipment. That the signal jammer was truck-mounted also caused great concern, as its mobile nature made the interference widespread and its source difficult for authorities to locate and eliminate. Simply driving around the area could have had disastrous effects on GPS-based systems for aircraft.

In light of these concerns, the FCC issued a substantial upward adjustment to the normal base fine of \$22,000, resulting in a total fine of \$42,500. However, it then decided to lower the fine to \$31,875 (a 25% reduction) because the individual voluntarily handed over the illegal device. The FCC indicated that it wanted to provide “incentives” for parties to do the same in the future.

Pittsburgh-Based Stations Pay Big for Kidvid and Other Violations

This week, the FCC pursued a Pittsburgh-area group of ten Class A television stations for failure to file, or to timely file, their children’s programming reports with the FCC, as well as for being silent without authorization. In addition to the kidvid violations, some of which had gone on for several years, the FCC states that the stations had, at various times, applied to go silent and proceeded to do so without first obtaining the necessary FCC authorization.

The matter was settled by consent decree, which included a voluntary contribution to the U.S. Treasury of \$75,000. Not coincidentally, the licensee of the stations was in the process of selling them, and needed FCC approval to complete that transaction. The FCC granted the assignment application in the same order in which it adopted the consent decree.

This case is merely the latest in a continuing effort by the FCC to crack down on rule violations by Class A TV stations. In this case, by entry into the consent decree, the stations were able to avoid the imposition of fines and the risk of losing their Class A status. In addition to being subject to displacement by full-power TV stations, stations that lose their Class A status forfeit their eligibility to participate in the spectrum incentive auction (and to avoid being repacked out of existence subsequent to that auction).

Given this risk, Class A TV licensees should ensure they are in full compliance with the FCC’s rules to maintain their Class A eligibility. To be eligible for Class A status, the Community Broadcasters Protection Act of 1999 and the Commission’s rules implementing it require that Class A stations: (1) operate a minimum of 18 hours per day; (2) air an average of at least 3 hours per week of programming produced within the market area served by the station; and (3) comply with the Commission’s rules for full-power television stations.

If you have any questions about the content of this Advisory, please contact the Pillsbury attorney with whom you regularly work, or the authors of this Advisory.

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