

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

In the Matter of)	
)	
J COMMUNICATIONS CO., LTD.)	EB Docket No. 04-28
)	EB-02-TS-588
Grantee of Equipment Authorization for)	FRN # 0005-8369-60
General Mobile Radio Service Radios,)	
FCC ID# OAJFR1-GPS)	

ORDER OF REVOCATION

Adopted: June 14, 2004

Released: June 16, 2004

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. By this *Order of Revocation*, acting pursuant to authority delegated to the Enforcement Bureau under section 0.111(a)(17) of the Commission's rules,¹ we revoke the above-captioned equipment authorization held by J Communications Co., Ltd. ("J Communications") for its General Mobile Radio Service ("GMRS") radios. We conclude, based on the evidence described herein, that the GMRS radios manufactured by J Communications under FCC ID# OAJFR1-GPS have the capability to transmit data, specifically Global Positioning System ("GPS") location information, in contravention of section 95.631 of the rules² and the equipment authorization held by J Communications.

II. BACKGROUND

2. On February 9, 2004, the Commission released an *Order to Show Cause* designating this case for hearing.³ The *OSC* specified the following issues:

- (a) To determine whether the GMRS radios manufactured by J Communications under FCC ID # OAJFR1-GPS violate Section 95.631 of the Rules and/or the explicit terms of the equipment authorization for the radios; and
- (b) To determine, in light of the evidence adduced pursuant to issue (a), whether the equipment authorization held by J Communications, FCC ID # OAJFR1-GPS, should be revoked.

3. The *OSC* ordered J Communications, pursuant to section 2.939(b) of the rules,⁴ within

¹ 47 C.F.R. § 0.111(a)(17).

² 47 C.F.R. § 95.631.

³ *Order to Show Cause*, 19 FCC Rcd 2564 (2004) ("*OSC*").

⁴ 47 C.F.R. § 2.939(b) states: "Revocation of an equipment authorization shall be made in the same manner as revocation of radio station licenses." Revocation of radio station licenses is governed by sections 1.91 and 1.92 of the Commission's rules. 47 C.F.R. §§ 1.91, 1.92. Consequently, we will refer to those rules herein.

thirty days of the release of the *OSC* (*i.e.*, by March 10, 2004), in person or by its attorney, to file a written notice of appearance in order to avail itself of the opportunity to be heard.⁵ The *OSC* directed that the notice of appearance state that J Communications would appear on the date fixed for the hearing and present evidence on the specified issues. The *OSC* warned J Communications that, if it failed to so file a written notice of appearance, its right to a hearing on the matter of its equipment authorization would be deemed waived, and the Chief Administrative Law Judge (or the presiding officer if one had been designated) would, at the earliest practicable date, issue an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission.⁶

4. The Presiding Judge determined that J Communications had received a copy of the *OSC* but had failed to file a written notice of appearance seeking to avail itself of the opportunity to be heard.⁷ Accordingly, the Presiding Judge concluded that J Communications had waived its right to a hearing, and he terminated the proceeding and certified the case to the Commission for disposition in accordance with 47 C.F.R. § 1.92(c). The Commission has delegated authority to the Enforcement Bureau for such revocation proceedings, terminated on the basis of waiver, pursuant to 47 C.F.R. § 0.111(a)(17).

III. DISCUSSION

A. Facts

5. The GMRS is a short-distance, two-way land mobile radio service available for communications that facilitate personal or business activities of licensees and their immediate family members.⁸ Section 95.631(a) of the rules⁹ generally limits GMRS transmitters to voice communications, and section 95.631(f)¹⁰ explicitly provides that no GMRS transmitter shall transmit non-voice data. GMRS transmitters must be authorized in accordance with the FCC's certification procedures prior to marketing.¹¹

6. On March 20, 2002, the FCC's Office of Engineering and Technology ("OET") granted J Communications an equipment certification, FCC ID # OAJFR1-GPS, for its GMRS radios.¹² This

⁵ See 47 C.F.R. § 1.91(c).

⁶ See also 47 C.F.R. § 1.92(c). That rule provides that, whenever a hearing is waived, the presiding administrative law judge shall, at the earliest practicable date, issue an order reciting the events or circumstances constituting a waiver of hearing, terminating the hearing proceeding, and certifying the case to the Commission. See also 47 C.F.R. § 1.92(a).

⁷ *Memorandum Opinion and Order*, FCC 04M-14, released April 26, 2004. Therein, the Presiding Judge determined that the Commission had sent the *OSC* to J Communications both by registered mail and by facsimile and that J Communications had acknowledged receipt of the *OSC* by facsimile sent to the Commission on February 12, 2004. Nonetheless, J Communications did not file a written notice of appearance by March 10, 2004, nor did it appear in person or by attorney at the prehearing conference held on April 7, 2004.

⁸ See 47 C.F.R. § 95.1.

⁹ 47 C.F.R. § 95.631(a). That provision limits non-voice emissions from GMRS transmitters to selective calling or tone-operated squelch tones to establish or continue voice communications. See also 47 C.F.R. § 95.181(f), (g).

¹⁰ 47 C.F.R. § 95.631(f).

¹¹ 47 C.F.R. § 95.603(a). See also 47 C.F.R. § 2.803(a)(1).

¹² OET originally granted J Communications' Application for Equipment Authorization (FCC Form 731) for its GMRS radios on May 2, 2001. OET reissued the certification on March 20, 2002, after testing the device in accordance with its post-grant sampling program.

certification explicitly authorized F3E¹³ (voice) emissions only.

7. Following receipt of a complaint which alleged that the GMRS radios manufactured by J Communications transmitted GPS data in violation of 47 C.F.R. § 95.631 and the explicit terms of the equipment authorization held by J Communications, we sent a letter of inquiry (“LOI”) to J Communications on June 20, 2003.¹⁴ In its response to the LOI,¹⁵ J Communications acknowledged that its radios use F2D¹⁶ (data) emissions to transmit GPS location information on GMRS frequencies.

B. Discussion

8. As noted above, 47 C.F.R. § 95.631 generally limits GMRS transmitters to voice communications. In addition, the equipment certification issued by OET to J Communications for its GMRS radios explicitly authorizes F3E (voice) emissions only. Nevertheless, J Communications’ GMRS radios use F2D (data) emissions to transmit GPS location information on GMRS frequencies.

C. License Revocation

9. Section 2.939(a)(2) of the rules states that the Commission may revoke any equipment authorization “if upon subsequent inspection or operation it is determined that the equipment does not conform to the pertinent technical requirements or to the representations made in the original application.”¹⁷ Furthermore, section 2.939(a)(4) of the rules states that the Commission may revoke any equipment authorization because of conditions coming to its attention “which would warrant it in refusing to grant an original application.”¹⁸ In light of the above, we conclude that the GMRS radios manufactured by J Communications under FCC ID# OAJFR1-GPS do not conform to the applicable technical requirements for GMRS transmitters. We further conclude that, because these GMRS radios are capable of transmitting GPS location information, the Commission could have refused to grant J Communications’ original application for equipment authorization for such devices had this fact been made known to the Commission. Based on the foregoing, we conclude that the equipment certification held by J Communications for its GMRS radios, FCC ID # OAJFR1-GPS, should be revoked.

IV. ORDERING CLAUSES

10. Accordingly, IT IS ORDERED that, pursuant to 47 C.F.R. § 2.939(b), the equipment authorization, FCC ID # OAJFR1-GPS, held by J Communications IS REVOKED, effective the fortieth (40th) day after release of this *Order of Revocation*, unless J Communications files a petition for

¹³ Emissions are designated by an alphanumeric code according to their classification and necessary bandwidth. The first symbol designates the type of modulation of the main character, the second symbol designates the nature of signal(s) modulating the main carrier, and the third symbol designates the type of information to be transmitted. F3E is an emission in which the main carrier is angle-modulated using frequency modulation in a single channel containing analogue telephony information. *See* 47 C.F.R. § 2.201.

¹⁴ Letter from Joseph P. Casey, Chief, Technical and Public Safety Division, Enforcement Bureau, to Jong-Oh Kim, President, J Communications Co., Ltd. (June 20, 2003).

¹⁵ Letter from Jong-Oh Kim, President, J Communications Co., Ltd., to Joseph P. Casey, Chief, Technical and Public Safety Division, Enforcement Bureau (July 7, 2003).

¹⁶ F2D is an emission in which the main carrier is angle-modulated using frequency modulation, the signal modulating the main carrier is a single channel containing quantized or digital information with the use of a modulating subcarrier, and the type of information to be transmitted is data, telemetry, or telecommand. *See* 47 C.F.R. § 2.201.

¹⁷ 47 C.F.R. § 2.939(a)(2).

¹⁸ 47 C.F.R. § 2.939(a)(4).

reconsideration or application for review within thirty (30) days of the release of this *Order of Revocation*, in which case the effective date will be suspended, pending further Order of the Commission.

11. IT IS FURTHER ORDERED that a copy of this *Order of Revocation* shall be sent by Registered Mail, Return Receipt Requested, to Jong-Oh Kim, President, J Communications Co., Ltd., 124-4 Ojeon-Dong, Uiwang City, Kyungki-Do, 437-070, South Korea.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau