

\$85,000 in Fines Proposed for RF Exposure Violations after Ineffective Rooftop Barriers and Signage Lead to Building Owner's Complaint

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Today the Federal Communications Commission's (FCC's) Enforcement Bureau (Bureau) issued a pair of closely-related enforcement actions against two radio station licensees for failing to comply with the FCC's radiofrequency (RF) exposure limits. T-Mobile received a [\\$60,000 Notice of Apparent Liability](#) and Wirelessco received a [\\$25,000 Notice of Apparent Liability](#) (NALs) for apparent inadequate protections to prevent public access to antennas co-located on the same office building rooftop in Phoenix, Arizona. These actions underscore the importance of radio station operators ensuring that appropriate barriers and signage designed to limit access are in place and regularly maintained.

The Bureau issued the NALs for "failing to comply with the requirement of our RF maximum permissible exposure (MPE) limits" applicable to stations operating in areas accessible to the public under Section 1.1310 of the FCC's Rules. Following the building owner's complaint about ease of access to a block of antennas located on the rooftop, field agents from the Bureau's San Diego Regional Office found that the antenna area for the licensees' wireless operations - including Advanced Wireless Service (AWS) and Broadband Personal Communications Service (Broadband-PCS) - had inadequate barriers and signage to restrict access by the public and building workers. Further, the field agents conducted testing and found that RF emission readings in the accessible areas in front of the antennas were 178 % to 298 % the general population MPE limits. Though there was some level of signage on-site warning the public that the RF exposure levels exceed the public MPE limit, the investigation concluded that the signage either did not include the necessary specificity of which areas exceeded the limits or was located in an area blocked or inaccessible to the general public. Barriers to prevent access to the areas in front of the antennas were present but were in disrepair and, the field agents concluded, ineffective to limit access to areas exceeding the RF exposure levels.

Although the base forfeiture for violations of the RF exposure limits is \$10,000 per violation, the Commission found aggravating circumstances for both licensees. T-Mobile operated three radio stations on the site exceeding the MPE limits, resulting in a \$30,000 base proposed forfeiture. The Bureau justified a \$45,000 upward adjustment because of T-Mobile's size, but offset that by \$15,000 because T-Mobile had made good faith (albeit inadequate) efforts to post signage and create a barrier to entry. Wirelessco's had one station exceeding the MPE limits. The base forfeiture of \$10,000 was adjusted upward because Wirelessco is a subsidiary of Sprint Corporation. No

downward adjustment was made in its case.

RF exposure limits have been the subject of little FCC enforcement activity in recent years. The last enforcement action, a [settlement with Verizon Wireless](#) in early 2014, also arose from public complaints. Additionally, in early 2013, the FCC initiated an update to its RF exposure requirements. That update came in three sections: a Report and Order resolving issues from the last rulemaking in 2003, a Further Notice of Proposed Rulemaking which remains pending, and a Notice of Inquiry to explore whether the current RF exposure limits and policies should be reassessed. Since the initial comment cycles, no further action has been taken and the current rules which, in conjunction with the FCC's RF exposure Knowledge Database (KDB) procedures remain fully in effect and apply to a large number of licensed radio station categories. These NALs underscore the importance for wireless licensees not only to take steps restricting access when stations are first installed but to confirm the adequacy of signage and barriers on a periodic basis and whenever station maintenance is performed.