

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

<b>In the Matter of</b>	)	
	)	
John A. Acconey	)	File No. EB-98-PA-156
8 Lexington Court	)	
Shamong Township, New Jersey	)	NAL/Acct. No. 815PA0001

**MEMORANDUM OPINION AND ORDER**

**Adopted: July 3, 2000**

**Released: July 5, 2000**

By Chief, Enforcement Bureau:

1. This Memorandum Opinion and Order (“Order”) rescinds a seven thousand dollar (\$7,000) monetary forfeiture issued to John A. Acconey for violating Section 333 of the Communications Act of 1934, as amended (“Act”).<sup>1</sup> The noted violation involves transmission of a “dead carrier” signal on 505.2625 MHz that interfered with another licensee’s use of that frequency.

2. On October 5, 1998, the former Compliance and Information Bureau issued a *Forfeiture Order* in the amount of seven thousand dollars (\$7,000) to Mr. Acconey for the noted violation.<sup>2</sup> On November 4, 1998, Mr. Acconey filed an Application for Review of the *Forfeiture Order*, which he subsequently requested we treat as a Petition for Reconsideration.<sup>3</sup> As requested, we will review Mr. Acconey’s Application for Review as a Petition for Reconsideration pursuant to Section 1.106 of the Commission’s Rules (“Rules”).<sup>4</sup>

3. In 1997, the Commission’s Philadelphia, Pennsylvania Field Office (“Field Office”) investigated complaints from William Bowman Associates, Inc. (“Bowman”) that it was receiving interference to its radio communications from an unknown source. The Field Office’s investigation revealed that Mr. Acconey was apparently responsible for the interference to Bowman’s radio communications. Consequently, the District Director issued a Notice of Apparent Liability for Forfeiture (“NAL”) to Mr. Acconey.<sup>5</sup>

4. Mr. Acconey’s Petition for Reconsideration raises several issues regarding the investigation, alleges that the record contains factual discrepancies, and contends that facts that were not disclosed in the

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<sup>1</sup> 47 U.S.C. § 333.

<sup>2</sup> *John A. Acconey*, 13 FCC Rcd 20075 (Compl. & Inf. Bur. 1998).

<sup>3</sup> Letter from George L. Lyon, Jr., Esq., to Magalie Roman Salas, Secretary, FCC (June 9, 2000).

<sup>4</sup> 47 C.F.R. § 1.106.

<sup>5</sup> *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 815PA0001 (Compl. & Inf. Bur., Philadelphia Office, rel. Dec. 18, 1997).

underlying NAL were used as support in the *Forfeiture Order*.

5. After reviewing the particular circumstances in this case, and per the discretion authorized by Section 504(b) of the Act,<sup>6</sup> and implemented by Section 1.80(i) of the Rules,<sup>7</sup> we conclude that remission of the \$7,000 forfeiture is warranted.

6. Accordingly, **IT IS ORDERED** that, pursuant to Section 504(b) of the Act and Section 1.80(i) of the Rules, the \$7,000 forfeiture issued to John A. Acconey **IS RESCINDED**, and that pursuant to Section 1.106 of the Rules, Mr. Acconey's Petition for Reconsideration **IS GRANTED** to the extent indicated herein, and **IS DENIED** in all other respects.

7. **IT IS FURTHER ORDERED** that, a copy of this Order shall be sent by certified mail, return receipt requested, to John A. Acconey, 8 Lexington Court, Shamong Township, New Jersey 08088, and his counsel Elizabeth R. Sachs, Esq., 1111 19<sup>th</sup> Street, N.W., Suite 1200, Washington, D.C. 20036.

**FEDERAL COMMUNICATIONS COMMISSION**

David H. Solomon  
Chief, Enforcement Bureau

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<sup>6</sup> 47 U.S.C. § 504(b).

<sup>7</sup> 47 C.F.R. § 1.80(i).