

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

In the Matter of)
)
PCS Communications, Inc.) File No. EB-99-PA-185
1111 Lincoln Avenue)
Prospect Park, Pennsylvania) NAL/Acct. No. 915PA0009

MEMORANDUM OPINION AND ORDER

Adopted: August 19, 2000

Released: August 21, 2000

By Chief, Enforcement Bureau:

1. In this Memorandum Opinion and Order (“Order”), we cancel a *Notice of Apparent Liability for Forfeiture* (“NAL”) that was issued by the former Compliance and Information Bureau to PCS Communications, Inc. (“PCS Communications”) for apparent violations of Sections 301 and 333 of the Communications of 1934, as amended (“Act”).¹ The violations involved PCS Communications’ alleged operation of a radio station on 810.5125 MHz without Commission authorization that caused interference to a Commission licensee.

2. During March and April of 1999, the Commission’s Philadelphia, Pennsylvania Field Office (“Field Office”) investigated complaints from Jack Coupe Communications, Inc. (“Coupe”), a Commission licensee, that its repeater was receiving interference. The Field Office’s investigation revealed that PCS Communications was apparently operating a radio station without Commission authorization that was apparently responsible for the interference to Coupe’s repeater. Consequently, on August 23, 1999, the Field Office District Director issued a \$20,000 NAL to PCS Communications for allegedly violating Sections 301 and 333 of the Act.² PCS Communications responded to the NAL on September 22, 1999, and filed a supplemental response on February 22, 2000.

3. In its response to the NAL, PCS Communications raises several issues regarding the Field Office’s investigation of Coupe’s complaints and alleges that the record is neither accurate nor complete.

4. After reviewing the particular circumstances in this case, and per the discretion authorized by Section 504(b) of the Act,³ and as provided by Section 1.80(f)(4) of the Rules,⁴ we conclude that cancellation of

¹ 47 U.S.C. §§ 301 and 333.

² *PCS Communications, Inc.*, NAL/Acct. No. 915PA0009 (Compl. & Inf. Bur., Philadelphia Office, Aug. 23, 1999).

³ 47 U.S.C. § 504(b).

the *NAL* is warranted.

5. Accordingly, **IT IS ORDERED** that, pursuant to Section 504(b) of the Act and Section 1.80(f)(4) of the Rules, the *NAL* issued to PCS Communications, Inc. **IS CANCELLED**.

6. **IT IS FURTHER ORDERED** that, a copy of this Order shall be sent by certified mail, return receipt requested, to PCS Communications, Inc., 1111 Lincoln Avenue, Prospect Park, Pennsylvania 19076, and to its counsel, Robyn G. Nietert, Esq., Brown Nietert & Kaufman, 1920 N Street, N.W., Suite 660, Washington, D.C. 20035.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁴ 47 C.F.R. § 1.80(f)(4).