

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

In the Matter of)	
)	
Page-A-Phone, Inc.)	File No. EB-00-TS-027
)	
Licensee of Stations WRV927 & WXR916)	NAL/Acct. No. X20EF0018
)	
Cookeville, Tennessee)	

FORFEITURE ORDER

Adopted: November 1, 2000

Released: November 3, 2000

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Forfeiture Order (“Order”), we issue a monetary forfeiture in the amount of one thousand five hundred dollars (\$1,500) against Page-A-Phone, Inc. (“Page-A-Phone”), for willful violation of Section 1.949 of the Commission’s Rules (“Rules”).¹ The noted violation involved Page-A-Phone’s failure to file license renewal applications for Stations WRV927 and WXR916 prior to the expiration of the authorizations for the stations.

2. On November 5, 1999, the Chief of the former Enforcement and Consumer Information Division of the Wireless Telecommunications Bureau (“Wireless Bureau”) issued a Notice of Apparent Liability for Forfeiture (“NAL”) in the amount of two thousand dollars (\$2,000) to Page-A-Phone for the noted violation.² Page-A-Phone filed a response to the NAL on November 24, 1999.

II. BACKGROUND

3. Page-A-Phone’s authorizations for Stations WRV927 and WXR916 expired on April 1, 1999. Page-A-Phone did not file applications for renewal of the authorizations until May 19, 1999. On September 21, 1999, the Wireless Bureau granted the late-filed renewal applications.

4. On November 5, 1999, the Wireless Bureau, pursuant to Section 503(b) of the Communications Act of 1934, as amended (“Act”), and Section 1.80 of the Rules,³ issued an NAL in the amount of \$2,000 to Page-A-Phone for the late filing of its license renewal applications.

¹ 47 C.F.R. § 1.949.

² Page-A-Phone, Inc., 15 FCC Rcd 8438 (Wireless Bur., Enf. and Cons. Inf. Div., released November 5, 1999).

³ 47 U.S.C. § 503(b); 47 C.F.R. § 1.80.

5. On November 24, 1999, Page-A-Phone filed a response with the Commission in which it requests cancellation of the forfeiture. Page-A-Phone asserts that the forfeiture should be cancelled because it tried without success, on at least two occasions, to obtain assistance from the Commission with filing its license renewal applications. Page-A-Phone also points out that it has been a licensed carrier for twenty years with no prior offenses. Finally, Page-a-Phone contends that payment of the forfeiture would result in extreme financial difficulty.

III. DISCUSSION

6. Section 1.949 of the Rules states, in pertinent part, that “[a]pplications for renewal of authorizations in the Wireless Radio Services must be filed no later than the expiration date of the authorization for which renewal is sought”⁴ Though Page-A-Phone did seek assistance with filing the renewal applications, we note that its first inquiry was on April 9, 1999, eight days after the authorizations had already expired. In light of this, we find that Page-A-Phone's efforts to seek assistance with filing its renewal application does not justify a reduction in or cancellation of the forfeiture. We also note that, though Page-A-Phone asserts that payment of the forfeiture would result in financial hardship, it has not provided any documentation from which its financial condition can be assessed.⁵ Thus, we must deny Page-A-Phone's request for cancellation of the forfeiture because of the purported resultant financial hardship that payment would cause.

7. However, we note that Page-A-Phone is a longstanding Commission licensee with no prior violations. Therefore, we find that a reduction to \$1,500 for Page-A-Phone's history of overall compliance is appropriate.

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED THAT**, pursuant to Section 503(b) of the Act and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,⁶ Page-A-Phone **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of one thousand five hundred dollars (\$1,500) for violating Section 1.949 of the Rules by failing to file license renewal applications for Stations WRV927 and WXR916 prior to the expiration of the authorizations for the stations.

9. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules,⁷ within 30 days of the release of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁸ Payment may be made by credit card through the Commission's Credit and Debt Management Center at

⁴ 47 C.F.R. § 1.949.

⁵ Claims of inability to pay should be supported by tax returns, other financial statements prepared under generally accepted accounting principles for the most recent three-year period, or other reliable and objective documentation.

⁶ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

⁷ 47 C.F.R. § 1.80.

⁸ 47 U.S.C. § 504(a).

(202) 418-1995 or by mailing a check or similar instrument, payable to the order of the "Federal Communications Commission," to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. X20EF0018. Requests for full payment under an installment plan should be sent to: Chief, Credit and Debt Management Center, 445 12th Street, S.W., Washington, D.C. 20554.⁹

10. **IT IS FURTHER ORDERED** that, a copy of this Forfeiture Order shall be sent by Certified Mail Return Receipt Requested to Page-A-Phone, Inc., Attn: Austin L. Stinnett, 698 South Willow Avenue, Cookeville, TN 38501.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁹ See 47 C.F.R. § 1.1914.