

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

In the Matter of)	
)	
Data Investments, Inc.)	File Number EB-00-TS-146
d/b/a Star Communications)	
Licensee of Public Mobile)	
Radio Stations KNKC938,)	
KNKJ977, KNKC272, and KNKC934)	
Cape Girardeau, Missouri)	NAL/Acct. No. 200132100008

MEMORANDUM OPINION AND ORDER

Adopted: October 29, 2001

Released: October 31, 2001

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* (“*Order*”), we deny the petition of Data Investments, Inc., d/b/a Star Communications (“*Star*”), Cape Girardeau, Missouri, for reconsideration¹ of the *Forfeiture Order*² issued against *Star* for willfully and repeatedly violating Section 301 of the Communications Act of 1934, as amended (“*Act*”),³ and Section 22.3 of the Commission’s Rules (“*Rules*”)⁴ and affirm the *Forfeiture Order*. The noted violations involve *Star*’s operation of four Public Mobile (paging) radio stations, KNKC938, KNKJ977, KNKC272, and KNKC934, after its licenses for those stations had expired.

2. On November 29, 2000, the Chief, Enforcement Bureau (“*Bureau*”), released a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) in the amount of five thousand dollars (\$5,000).⁵ *Star* responded to the *NAL* on January 17, 2001. On April 11, 2001, the *Bureau* released its *Forfeiture Order*, which mitigated the forfeiture proposed by the *NAL* to \$2,000. On May 4, 2001, *Star* filed a request for reconsideration of the *Forfeiture Order*. *Star* supplemented its request for reconsideration on September 10, 2001.

3. In requesting reconsideration, *Star* argues that \$2,000 is an excessive forfeiture amount for its error in mailing its renewal application to the wrong address. The \$2,000 forfeiture amount is not excessive. In the *Forfeiture Order*, we took *Star*’s attempt to submit an application into account and mitigated the forfeiture from the \$5,000 base amount to \$2,000. No further reduction is warranted. *Star* also argues that it is unable to pay the forfeiture. We cannot

¹ We are treating *Star*’s response to the *Forfeiture Order* as a petition for reconsideration, pursuant to 47 C.F.R. § 1.106.

² *Data Investments, Inc.*, 16 FCC Rcd 7905 (Enf. Bur., 2001).

³ 47 U.S.C. § 301.

⁴ 47 C.F.R. § 22.3.

⁵ *Data Investments, Inc.*, 15 FCC Rcd 23730 (Enf. Bur., 2000).

consider a claim of inability to pay without the necessary support. We informed Star in the *NAL* about the documentation needed to support a claim of inability to pay but Star has not furnished such documentation for consideration.⁶ Finally, Star asserts that the Commission could improve Star's financial position by getting another carrier to pay money that it owes to Star. Whether Star's financial position could be improved in such a way is irrelevant to the issues in this proceeding.

4. We find that reconsideration of the *Forfeiture Order* is not warranted. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 405 of the Act⁷ and Section 1.106 of the Rules,⁸ Star's petition for reconsideration of the April 11, 2001, *Forfeiture Order* **IS DENIED** and the *Forfeiture Order* **IS AFFIRMED**.

5. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules⁹ 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.¹⁰ Payment may be made 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 the NAL/Acct. No. 20013210000. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.¹¹

6. **IT IS FURTHER ORDERED THAT** a copy of this *Order* shall be sent, by certified mail, return receipt requested, to Timothy J. Singleton, Data Investments, Inc., d/b/a Star Communications, P.O. Box 537, Cape Girardeau, Missouri 63702-0537.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁶ *NAL* at 23732. This documentation is: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices ("GAAP"); or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status.

⁷ 47 U.S.C. § 405.

⁸ 47 C.F.R. § 1.106.

⁹ 47 C.F.R. § 1.80.

¹⁰ 47 U.S.C. § 504(a).

¹¹ *See* 47 C.F.R. § 1.1914.