

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

In the Matter of)	
)	
CARMELITA T. GOSSARD)	File No. EB-00-TS-044
d/b/a AA BEEP)	
Licensee of Paging Station KNKK662)	NAL/Acct. No. X3210-003
Cudjoe Key, Florida)	

MEMORANDUM OPINION AND ORDER

Adopted: March 14, 2001

Released: March 16, 2001

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* (“Order”), we deny the petition of Carmelita T. Gossard, d/b/a AA Beep (“AA Beep”) for reconsideration¹ and affirm the *Forfeiture Order*² issued against AA Beep for willful violation of Section 301 of the Communications Act of 1934, as amended (“the Act”),³ and Section 22.3 of the Commission’s Rules (“the Rules”).⁴ The noted violations involve AA Beep’s operation of a paging system without Commission authorization between April 1 and October 8, 1999.

2. On October 10, 2000, the Enforcement Bureau released a Notice of Apparent Liability for Forfeiture (“NAL”) in the amount of five thousand dollars (\$5,000) to AA Beep.⁵ AA Beep did not file a response. On January 22, 2001, the Enforcement Bureau released its *Forfeiture Order* affirming the forfeiture proposed by the NAL. AA Beep filed its petition for reconsideration on February 5, 2001. The petition, in pertinent part, asserts:

I am in receipt of your letter . . . containing allegations that I (willfully) violated FCC rules by operating my Paging Facility KNKK-662 after the licensed authority had expired on April 1, 1999, and that I continued this operation until finally the license was again authorized in October 1999.

This allegation is totally and completely false and I am respectfully asking the Commission to drop these charges and any fines imposed by this assumption.

Contrary to this, I was forced to change-out my pagers and rent my previous customers on a paging system named (API) who later bec[a]me (TSR) which has now gone bankrupt, leaving me with their pagers that I had purchased from them, leasing service on their paging system. Now I

¹ AA Beep filed a statement in response to the *Forfeiture Order*. Because there is no provision for responses to Forfeiture Orders, we are treating AA Beep’s filing as a petition for reconsideration of the *Forfeiture Order*.

² *Carmelita T. Gossard, d/b/a AA Beep*, DA 01-137 (Enf. Bur. 2001).

³ 47 U.S.C. § 301.

⁴ 47 C.F.R. § 22.3.

⁵ *Carmelita T. Gossard, d/b/a AA Beep*, 15 FCC Rcd 19808 (Enf. Bur. 2000).

don't even have this minimal income. And (API) was one of the largest paging companies in the U.S., I have been told.

3. Between the expiration of its license for station KNKK662 on April 1, 1999, and the grant of its renewal application, AA Beep had no authority to operate that station. AA Beep filed, with its renewal application, a request for a waiver of Section 1.949 of the Rules⁶ and for Special Temporary Authority to continue operating Station KNKK662 during the pendency of its renewal application. In that request, AA Beep asserted that:

Disruption of service on this frequency would cause hardship to existing subscribers since this system has been operating many years, *is presently being used* and provides needed communications to businesses in an area that is not located in a major metropolitan area (emphasis added).

This assertion establishes that, although AA Beep may have later terminated operation, as it now claims, it continued to operate Station KNKK662 after the expiration of its license, in violation of Section 301 of the Act and Section 22.3 of the Rules. We, therefore, can find no basis for remission or mitigation of the forfeiture and affirm the *Forfeiture Order*. Consistent with a prior statement by the Commission,⁷ our forfeiture relates to the period before AA Beep filed its renewal application.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules⁸ 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.⁹ 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. number referenced above. 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. 20554.¹⁰

5. **IT IS FURTHER ORDERED THAT** this Order shall be sent, by certified mail, return receipt requested, to Carmelita T. Gossard, d/b/a AA Beep, 22824 Blue Gill Lane, Cudjoe Key, Florida 33042.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁶ 47 C.F.R. § 1.949(a), which requires that renewal applications in the Wireless Radio Services be filed no later than the expiration date of the authorization for which the renewal is sought.

⁷ See *Biennial Regulatory Review -- Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services, Memorandum Opinion and Order upon reconsideration*, 14 FCC Rcd 11476, 11485 (1999).

⁸ 47 C.F.R. § 1.80.

⁹ 47 U.S.C. § 504(a).

¹⁰ See 47 C.F.R. § 1.1914.