

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

In the Matter of)	
)	
Moffatt Properties Leasing LLC)	File No. EB-02-OR-129
)	NAL/Acct. No. 200232620005
Tupelo, Mississippi)	FRN: 0006-2670-41

MEMORANDUM OPINION AND ORDER

Adopted: May 16, 2003

Released: May 20, 2003

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* (“*Order*”), we cancel a \$2,000 forfeiture proposed against Moffatt Properties Leasing LLC (“Moffatt Properties”) for willfully violating Section 17.4(g) of the Commission’s Rules (“Rules”).¹ The noted violation involves Moffatt Properties’s failure to post the Antenna Structure Registration (“ASR”) number for its antenna structure located near Tupelo, Mississippi.²

2. On June 24, 2002, the District Director of the Enforcement Bureau’s New Orleans, Louisiana Field Office (“New Orleans Office”) issued a \$2,000 *Notice of Apparent Liability for Forfeiture* (“*NAL*”) to Moffatt Properties for the noted violation.³ On July 5, 2002, Moffatt Properties filed a response to the *NAL*.

3. On May 15, 2002, an FCC agent from the New Orleans Office inspected an antenna structure near Tupelo, Mississippi (ASR number 1212292). The agent was unable to locate the ASR number. After a subsequent investigation, the agent determined that Moffatt Properties owned the antenna structure. Because Section 17.4(g) requires the ASR number to be posted, the New Orleans Office issued the subject *NAL* on June 24, 2002 for willful violation of Section 17.4(g) of the Rules.

4. In its response to the *NAL*, Moffatt Properties states that it had posted the ASR number as required, but that a contractor working for BellSouth bulldozed the ASR number sign during construction of a new BellSouth fiber system. Under these circumstances, we find that cancellation of the proposed \$2,000 forfeiture is appropriate.⁴

¹ 47 C.F.R. § 17.4(g).

² ASR number 1212292.

³ *Moffatt Properties Leasing LLC*, NAL/Acct. No. 200232620005 (Enf. Bur., New Orleans Office, rel. June 24, 2002).

⁴ Independent of our finding here, we note that Moffatt Properties states that it has since replaced the ASR number sign.

5. Accordingly, **IT IS ORDERED** that, pursuant to Section 504(b) of the Communications Act of 1934, as amended,⁵ and Section 1.80(f)(4) of the Rules,⁶ the *NAL IS CANCELLED*.

6. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by first class and certified mail, return receipt requested, to Mr. Chuck Moffatt, Moffatt Properties Leasing LLC, 1960 McCullough Boulevard, Tupelo, Mississippi 38801.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁵ 47 U.S.C. § 504(b).

⁶ 47 C.F.R. § 1.80(f)(4).