

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

In the Matter of
USA MOBILE COMMUNICATIONS, INC. II
File No. EB-01-IH-0017s
NAL/Acct. No. 200132080050

MEMORANDUM OPINION AND ORDER

Adopted: February 5, 2003

Released: February 7, 2003

By the Chief, Enforcement Bureau:

1. In this Order, we cancel a Notice of Apparent Liability for Forfeiture ("NAL") that the Enforcement Bureau issued to USA Mobile Communications, Inc. II ("USA Mobile") for apparent willful violation of 47 C.F.R. § 52.15(f), which requires certain carriers to report number utilization and forecast data. We issued the NAL because it appeared that USA Mobile had failed to report on its actual and forecast number usage by filing FCC Form 502, the North American Numbering Plan Numbering Resource Utilization/Forecast ("NRUF") Report that was due on September 15, 2000.

2. Arch Wireless, Inc. ("Arch") responded to the NAL. Arch had acquired USA Mobile prior to the September 15, 2000 reporting deadline through an assignment of license, and USA Mobile no longer existed prior to September 15, 2000. After considering Arch's response and reviewing the record, we find that the proposed monetary forfeiture should be cancelled.

3. Accordingly, IT IS ORDERED THAT, pursuant to 47 U.S.C. § 504(b) and 47 C.F.R. § 1.80(f)(4), the NAL issued to USA Mobile Communications, Inc. II IS HEREBY CANCELLED.

4. IT IS FURTHER ORDERED that a copy of this Order shall be sent by Certified Mail/Return Receipt Requested, to Arch Wireless, Inc., 1800 West Park Drive, Suite 250,

1 See USA Mobile Communications, Inc., II, 16 FCC Rcd 8675 (EB 2001).

2 The NRUF reports are due on or before February 1 and on or before August 1 of each year. See 47 C.F.R. § 52.15(f)(6). However, we note that the deadline for filing reports due August 1, 2000 was extended to September 15, 2000. Numbering Resource Optimization, CC Docket No. 99-200, 15 FCC Rcd 17005 (2000).

3 See 47 U.S.C. § 504(b); 47 C.F.R. § 1.80(f)(4).

Westborough, MA 01581 and to its counsel, L. Charles Keller, Esq., Wilkinson Barker Knauer, LLP,
2300 N Street, N.W., Suite 700, Washington, DC 20037-1128.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau