

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

In the matter of)	
)	NAL/Acct. No. 200332360002
CenturyTel Wireless of Michigan)	
RSA #1&2, Inc.)	File No. EB-02-DT-987
)	
Vancouver, Washington)	FRN: 0004-5240-96

MEMORANDUM OPINION AND ORDER

Adopted: March 31, 2004

Released: April 2, 2004

By the Chief, Enforcement Bureau:

1. In this *Memorandum Opinion and Order* (“*Order*”), we cancel a proposed monetary forfeiture¹ issued in the amount of thirteen thousand dollars (\$13,000) to CenturyTel Wireless of Michigan RSA #1&2, Inc. (“CenturyTel”) for its apparent willful and repeated violation of Section 303(q) of the Communications Act of 1934 as amended (“Act”),² and of Sections 17.48(a) and 17.51(b) of the Commission’s Rules (“Rules”).³ The alleged violations involve CenturyTel’s failure to exhibit top obstruction lighting on a tower and to report an outage of obstruction lighting to the nearest Flight Service Station or office of the Federal Aviation Administration. Based on our review of CenturyTel’s response to the *NAL*, we conclude that CenturyTel did not willfully and/or repeatedly violate Section 303(q) of the Act or Sections 17.48(a) and 17.51(b) of the Rules. Specifically, the lighting outage was caused by lightning and the licensee promptly reported the outage to the Federal Aviation Administration. Accordingly, we conclude that no forfeiture should be imposed.

2. Accordingly, **IT IS ORDERED** that, pursuant to Section 504(b) of the Act and Section 1.80(f)(4) of the Rules,⁴ the instant *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200332360002, **IS CANCELLED**.

3. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by first class mail and certified mail, return receipt requested, to Vicki Schultheis, Manager, FCC Licensing, CenturyTel Wireless of Michigan RSA #1&2, Inc., PO Box 9901, Vancouver, Washington 98668-8701.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

¹ *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200332360002 (Enf. Bur., Detroit Office, released November 8, 2002).

² 47 U.S.C. § 303(q).

³ 47 C.F.R. §§ 17.48(a) and 17.51(b).

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