

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

In the Matter of Pacnet Incorporated San Diego (Otay), California)))))))	File Number: EB-05-SD-043 NAL/Acct. No: 200532940010 FRN: 0012-5042-13
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FORFEITURE ORDER

Adopted: September 12, 2006

Released: September 14, 2006

By the Regional Director, Western Region, Enforcement Bureau:

1. In this *Forfeiture Order* (“*Order*”), we issue a monetary forfeiture in the amount of ten thousand dollars (\$10,000) to Pacnet Incorporated (“Pacnet”), in San Diego, California (Otay Mesa area), for willful and repeated violation of Section 301 of the Communications Act of 1934, as amended, (“Act”).¹ The noted violation involves Pacnet’s operation of an unlicensed microwave radio station on microwave channel 22775.0 MHz.²

2. On September 28, 2005, the District Director of the Enforcement Bureau’s San Diego Office issued a *Notice of Apparent Liability for Forfeiture* (“*NAL*”) in the amount of \$10,000 to Pacnet.³ On October 11, 2005, an attorney for Gary Kremen (“Kremen”) notified the San Diego Office that the United States District Court for the Northern District of California ordered the assets of Pacnet be turned over to Kremen.⁴ Despite repeated contacts by the San Diego Office, neither Pacnet, nor Kremen, has filed a response to the *NAL*. Based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended (“Act”),⁵ and Sections 0.111, 0.311 and 1.80(f)(4) of the Commission’s Rules,⁶ Pacnet Incorporated, **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$10,000 for willfully and repeatedly violating Section 301 of the Act by operating a microwave radio station without authorization.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified,

¹ 47 U.S.C. § 301.

² 47 C.F.R. § 101.147(s).

³ *Notice of Apparent Liability for Forfeiture*, NAL/Acct. No. 200532940010 (Enf. Bur., Western Region, San Diego Office, released September 28, 2005).

⁴ *Kremen v. Cohen, et al.* Case No.: C 98 20718 JW PVT (N.D. Cal. Sept. 28, 2005).

⁵ 47 U.S.C. § 503(b).

⁶ 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁷ Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank /LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. Requests for full payment under an installment plan should be sent to: Associate Managing Director – Financial Operations, Room 1A625, 445 12th Street, S.W., Washington, D.C. 20554.⁸

5. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Pacnet Incorporated, at its address of record, Gary Kremen, and Timothy Dillon, Esquire, his counsel of record.

FEDERAL COMMUNICATIONS COMMISSION

Rebecca L. Dorch
Regional Director, Western Region
Enforcement Bureau

⁷ 47 U.S.C. § 504(a).

⁸ See 47 C.F.R. § 1.1914.