



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

November 28, 2006

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND FACSIMILE

Reef Fanatic, Inc.
5410 Barker Lane
Indianapolis, Indiana 46236

Re: File No. EB-06-SE-275

Dear Sir or Madam:

This is an official **CITATION**, issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended ("Act"), 47 U.S.C. § 503(b)(5), for failure to respond fully to directives of the Enforcement Bureau to provide certain information and documents. As explained below, future violations of Commission orders in this regard may subject your company to monetary forfeitures.

Sections 4(i), 4(j), and 403 of Act, 47 U.S.C. §§ 154 (i), 154 (j) and 403, afford the Commission broad authority to investigate the entities it regulates. Section 4(i) authorizes the Commission to "issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions." Section 4(j) states that "the Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch business and to the ends of justice." Section 403 grants the Commission "full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which complaint is authorized to be made, to or before the Commission by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act." Pursuant to this authority, we sent you letters of inquiry (LOIs) (copies enclosed) directing you to provide certain information and documents on July 18, October 3 and October 27, 2006. The LOIs ordered you to provide information no later than August, 29, October 17 and November 13, 2006, respectively. You did not initially respond to the first LOI, sent July 18, 2006, and filed only a partial response the follow-up LOI, sent October 3, 2006. As of this date, we have received no response to the second follow-up LOI, sent October 27, 2006. Your partial response indicates that you received both the first LOI and the follow-up LOI. A facsimile transmission report and a certified mail receipt indicate that you received the second follow-up LOI. Accordingly, we find that you violated Commission orders by failing to respond fully to Enforcement Bureau directives to provide certain information and documents.

A party may not ignore the directives in a Bureau inquiry letter.¹ You are again ordered, pursuant to Sections 4(i), 4(j) and 403 of the Act, to provide the information sought by our letter October 27, 2006.

¹See, e.g., *SBC Communications, Inc.*, 17 FCC Rcd 7589, 7591 ¶4 (2002) ("*SBC Communications*"). In *SBC Communications*, the Commission assessed a \$100,000 forfeiture against a carrier for its willful refusal to supply a sworn declaration in response to an Enforcement Bureau letter of inquiry. The Commission stated: "[T]he order here was squarely within the Commission's authority and, in any event, parties are required to comply with Commission orders even if they believe them to be outside the Commission's authority." *Id.* at ¶5.

You must provide this information within 14 days of the date of this citation. If sent by mail, this information should be sent to Thomas D. Fitz-Gibbon, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 3-A460, Washington, D.C. 20554. If sent by messenger or hand delivery, this information should be sent to the attention of Thomas D. Fitz-Gibbon, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, c/o NATEK, 9300 East Hampton Drive, Capitol Heights, Maryland 20743. Reef Fanatic must also transmit a copy of this information via facsimile to 202-418-7290.

If, after receipt of this citation, Reef Fanatic violates the Communications Act or the Commission's rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation.²

If you choose to do so, you may respond to this citation within 30 days from the date of this letter either through (1) a personal interview at the Commission's Field Office nearest to your place of business, or (2) a written statement. Your response should specify the actions that Reef Fanatic is taking to ensure that it files full and timely responses to Commission correspondence in the future.

The nearest Commission field office is the Chicago Office in Park Ridge, IL. Please call Thomas D. Fitz-Gibbon at 202-418-0693 if you wish to schedule a personal interview. You should schedule any interview to take place within 30 days of the date of this letter. You should send any written statement within 30 days of the date of this letter to Thomas D. Fitz-Gibbon at one of the addresses indicated above.

Under the Privacy Act of 1974, 5 U.S.C. § 552(a)(e)(3), we are informing you that the Commission's staff will use all relevant material information before it, including information that you disclose in your interview or written statement, to determine what, if any, enforcement action is required to ensure your compliance with the Communications Act and the Commission's rules.

The knowing and willful making of any false statement, or the concealment of any material fact, in reply to this citation is punishable by fine or imprisonment under 18 U.S.C. § 1001.

Thank you in advance for your anticipated cooperation.

Sincerely,

Kathryn S. Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau

Enclosures

cc: Jeffrey S. Jackson, Esq.

² See 47 C.F.R. § 1.80(b)(3).