

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

In the Matter of)	
)	File No. EB-08-SE-559
Hannspree North America, Inc.)	NAL/Acct. No. 200832100078
)	FRN # 0018065409
)	
)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: August 26, 2008

Released: August 28, 2008

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this *Notice of Apparent Liability for Forfeiture* (“NAL”), we find Hannspree North America, Inc. (“Hannspree”) apparently liable for a forfeiture in the amount of \$12,450 for its willful and repeated violation of Section 15.117(i)(1)(iii) of the Commission’s Rules (“Rules”).¹ These apparent violations involve Hannspree’s interstate shipment of television receivers² that do not comply with the Commission’s rules regarding digital television (“DTV”) reception capability.

II. BACKGROUND

2. The Commission adopted the DTV reception capability requirement in 2002.³ This requirement, which is often termed the “DTV tuner requirement,”⁴ requires that all new television broadcast receivers that are imported into the United States or shipped in interstate commerce be capable of receiving the signals of DTV broadcast stations over-the-air.⁵ The DTV tuner requirement was intended to facilitate the transition to digital television by promoting the availability of DTV reception equipment and to protect consumers by ensuring that their television receivers will provide over-the-air

¹ 47 C.F.R. § 15.117(i)(1)(iii).

² See 47 C.F.R. § 15.3(w) (defining a television broadcast receiver as “a device designed to receive television pictures that are broadcast simultaneously with sound on the television channels authorized under part 73 of this chapter”).

³ *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Second Report and Order and Second Memorandum Opinion and Order, 17 FCC Rcd 15978 (2002) (“*DTV Review Second Report and Order*”).

⁴ DTV reception capability involves more circuitry than just a tuner. To provide this capability requires a tuner to receive the digital signal, an MPEG decoder/formatter, and associated processing capability and memory. See *Requirements for Digital Television Receiving Capability*, Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 11196 n.2 (2005) (“*DTV Tuner Report and Order*”).

⁵ *DTV Review Second Report and Order*, 17 FCC Rcd at 15996. The DTV tuner requirement also applies to other devices such as television interface devices that do not include a viewing screen, e.g., devices such as VCRs and DVD players that are intended to provide audio-video signals to a video monitor with an antenna or antenna terminals that can be used for over-the-air television reception. See 47 C.F.R. § 15.117(i)(1)(iv).

television reception of digital signals just as they have provided over-the-air television reception of analog signals.⁶

3. Section 15.117(i)(1) of the Rules provides, “[r]esponsible parties, as defined in § 2.909 of this chapter, are required to equip new TV broadcast receivers that are shipped in interstate commerce or imported from any foreign country into the United States and for which they are responsible to comply with the provisions of this section” in accordance with the specified phase-in schedule.⁷ As modified by the Commission in 2005,⁸ this phase-in schedule is as follows:

Receivers with screen sizes 36” and above -- 50% of units imported or shipped interstate by responsible parties⁹ were required to include DTV tuners effective July 1, 2004; 100% of such units were required to include DTV tuners effective July 1, 2005;

Receivers with screen sizes 25” to 35” -- 50% of units imported or shipped interstate by responsible parties were required to include DTV tuners effective July 1, 2005; 100% of such units were required to include DTV tuners effective March 1, 2006;

Receivers with screen sizes less than 25” - 100% of units imported or shipped interstate by responsible parties were required to include DTV tuners effective March 1, 2007; and

Other video devices (videocassette recorders (VCRs), digital video recorders such as hard drive and DVD recorders, etc.) that receive television signals - 100% of units imported or shipped interstate by responsible parties were required to include DTV tuners effective March 1, 2007.

4. The Commission’s 2005 *DTV Tuner Second Report and Order* amended the rules to apply the DTV tuner requirement to new receivers with screen sizes smaller than 13” on this same schedule (*i.e.*, March 1, 2007).¹⁰ Although the Commission adopted this requirement for receivers with screen sizes smaller than 13” through the appropriate notice and comment procedures, and modified the rules to show March 1, 2007, as the accelerated deadline, the Commission inadvertently failed to delete

⁶ *Id.* at 15979. In this latter regard, the DTV tuner requirement ensures that the intent of the All Channel Receiver Act of 1962 (“ACRA”), P.L. No. 87-529, 76 Stat. 150, is fulfilled. The ACRA, which is codified at 47 U.S.C. § 303(s), states that the Commission shall “[h]ave authority to require that apparatus designed to receive television pictures broadcast simultaneously with sound be capable of adequately receiving all frequencies allocated by the Commission to television broadcasting” See *DTV Review Second Report and Order*, 17 FCC Rcd at 15589-91.

⁷ 47 C.F.R. § 15.117(i)(1).

⁸ In June 2005, the Commission modified the rules to advance the date on which 100% of new television receivers with screen sizes 25-36” that are imported or shipped interstate must include DTV tuners from July 1, 2006 to March 1, 2006. *DTV Tuner Report and Order*, 20 FCC Rcd at 11203. Subsequently, in November 2005, the Commission modified the rules to advance the date on which 100% of new television receivers with screen sizes 13-24” and certain other television receiving devices such as VCRs and digital video recorders that are imported or shipped interstate must include DTV tuners from July 1, 2007 to March 1, 2007. See *Requirements for Digital Television Receiving Capability*, Second Report and Order, 20 FCC Rcd 18607, 18614-16 (2005) (“*DTV Tuner Second Report and Order*”).

⁹ The DTV tuner requirement applies to “responsible parties,” as defined in Section 2.909 of the Rules, 47 C.F.R. § 2.909. Under Section 2.909(b), the party responsible for equipment such as television receivers that are subject to our “verification” equipment authorization procedure is the manufacturer or, in the case of imported equipment, the importer. If subsequent to manufacture and importation, the equipment is modified by any party not working under the authority of the responsible party, the party performing the modification becomes the new responsible party.

¹⁰ *DTV Tuner Second Report and Order*, 20 FCC Rcd at 18614-16.

the exception in Section 15.117(i)(2) for “units with integrated tuners/displays that have screen sizes measuring less than 7.8 inches vertically, *i.e.*, the vertical measurement of a screen in the 4:3 aspect ratio that measures 13’ [sic] diagonally across the picture viewing area.” The Commission subsequently corrected Section 15.117(i)(2) by striking the inappropriate language,¹¹ and the DTV tuner requirements for receivers with screen sizes less than 13” became effective on January 30, 2008.¹²

5. Hannspree North America, a subsidiary of Hannstar Display Corporation, is a California-based importer and retailer of television broadcast receivers. In April 2008, the Enforcement Bureau (“Bureau”) received a complaint which alleged that Hannspree was marketing television receivers that were inconsistent with Commission regulations. The Bureau issued a letter of inquiry (“LOI”) to Hannspree on July 8, 2008 regarding the company’s importation and interstate shipment of television receivers.¹³ Hannspree filed its response to the LOI on August 6, 2008.¹⁴

6. In its LOI Response, Hannspree stated that, since March 1, 2007, it had imported into the United States only two models of television receivers, both of which are equipped with DTV tuners, but had shipped interstate more than three dozen models that are not equipped with DTV tuners,¹⁵ with screen sizes of 10, 12, 15, or 23 inches, measured diagonally.¹⁶ Hannspree stated that it shipped interstate a total of 3,735 such receivers after March 1, 2007.¹⁷ Hannspree further stated that it presently holds inventory of 2,949 television receivers that are not equipped with DTV tuners.¹⁸

7. Hannspree asserted its belief that the non-DTV-compliant television receivers may lawfully be imported and shipped interstate because, on each of its retail tables that displays an analog television, the company places a sign that both identifies the set as an analog television and displays the

¹¹ See *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, 23 FCC Rcd 2994, 3081 (2007).

¹² See *Third Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, Final Rule, 73 Fed. Reg. 5634 (Jan. 30, 2008).

¹³ See Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, to Hannspree North America, Inc., (July 8, 2008) (“LOI”).

¹⁴ See Letter from Eric Hsu, Vice-President of Operations, Hannspree North America, Inc., to Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission (August 6, 2008) (“LOI Response”).

¹⁵ *Id.* at 1. Specifically, Hannspree shipped interstate the following models of television receivers that are not equipped with DTV tuners: DT07-10U1-000; DT12-10U1-000; F001-15U1-000; F609-15U1-0011; F617-15U1-000; F629-10U1-000; F633-10U1-000; F637-10U1-000; F651-12U1-000; K206-10U1-005; K206-10U1-010; K209-10U1-000; K212-10U1-000B; K223-10U1-000; K226-10U1-000; LT09-10U1-000; LT09-10U1-0001; LT13-23U1-001; ST02-15U1-019; ST02-15U1-030; ST03-15U1-000; ST06-15U1-000; ST08-10U1-000; ST09-10U1-011; ST23-10U1-000; ST35-15U1-003; ST35-15U1-015; ST35-15U1-022; ST35-15U1-0071; ST35-15U1-0111; ST35-15U1-0211; ST35-15U1-0251; ST35-15U1-0261; ST35-15U1-0281; ST35-15U1-0301; ST43-15U1-000; ST54-10U1-000; ST59-23U1-001.

¹⁶ *Id.* at 3.

¹⁷ See *id.* at Exhibit A. In response to a request to provide a list of non-DTV-compliant receivers shipped in interstate commerce during this period, Hannspree provided data showing its shipment of 5,518 units. Of this number, 1,759 units were actually equipped with DTV tuners and an additional 24 units were in fact exported rather than shipped interstate; thus, Hannspree shipped in interstate commerce 3,735 receivers that did not contain DTV tuners. *Id.*

¹⁸ *Id.* at Exhibit B.

FCC Consumer Alert.¹⁹ The company also states that it displays an additional FCC Consumer Alert sign at each point-of-sale cash register.²⁰

III. DISCUSSION

A. Failure to Comply with DTV Tuner Requirement

8. We conclude that Hannspree apparently willfully²¹ and repeatedly²² shipped television receivers in interstate commerce in violation of Section 15.117(i)(1)(iii) of the Rules. Section 15.117(i) applies to all “new television broadcast receivers that are shipped in interstate commerce or imported from any foreign country into the United States,” and mandates that such receivers with screen sizes less than 25 inches “include a DTV tuner effective March 1, 2007.”²³ Hannspree admits that, after March 1, 2007, it shipped interstate 3,375 television broadcast receivers that were not equipped with DTV tuners. Because the DTV tuner requirement became effective for television receivers with screen sizes measuring less than 13” only on January 30, 2008, we do not consider those 2,246 receivers with screen sizes less than 13” that Hannspree shipped interstate prior to the effective date. Accordingly, we find that Hannspree shipped in interstate commerce 1,129 television receivers that fail to comply with the DTV tuner requirement.

9. Hannspree contends, however, that it could lawfully import and ship non-DTV-compliant television receivers because it displays the Consumer Alert notice mandated by Section 15.117(k) beside the receivers.²⁴ We find no merit in this contention. Section 15.117(k) is inapposite to the requirement at issue here. Section 15.117(k) requires responsible parties to place in close proximity to non-DTV-compliant television receivers a Consumer Alert sign that informs the consumer that the receiver will need a converter box to receive over-the-air broadcasts with an antenna after the digital transition takes place. The Commission adopted the rule “[t]o ensure that consumers do not inadvertently buy analog-only television equipment without understanding that such devices will require some additional equipment for use after analog broadcasting ends.”²⁵

10. Hannspree’s compliance with Section 15.117(k) is irrelevant to whether the company has complied with the DTV tuner requirement. That rule -- Section 15.117(i) -- seeks to facilitate an effective

¹⁹ *Id.* at 2; *see generally* 47 C.F.R. § 15.117(k) (requiring responsible parties to post Consumer Alert in close proximity to a television receiver that is not capable of receiving, decoding, and tuning digital signals).

²⁰ LOI Response at 2.

²¹ Section 312(f)(1) of the Act defines “willful” as “the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate” the law. 47 U.S.C. § 312(f)(1). The legislative history of Section 312(f)(1) of the Act clarifies that this definition of willful applies to both Sections 312 and 503(b) of the Act, H.R. Rep. No. 97-765, 97th Cong. 2d Sess. 51 (1982), and the Commission has so interpreted the term in the Section 503(b) context. *See Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388 (1991), *recon. denied*, 7 FCC Rcd 3454 (1992) (“*Southern California*”).

²² Section 312(f)(2) of the Act, which also applies to forfeitures assessed pursuant to Section 503(b) of the Act, provides that “[t]he term ‘repeated,’ ... means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day.” 47 U.S.C. § 312(f)(2). *See Callais Cablevision, Inc.*, Notice of Apparent Liability for Forfeiture, 16 FCC Rcd 1359, 1362 (2001); *Southern California*, 6 FCC Rcd at 4388.

²³ 47 C.F.R. § 15.117(i)(1)(iii).

²⁴ *See Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion To Digital Television*, Second Report and Order, 22 FCC Rcd 8776, 8783-84 ¶ 14 (2007) (implementing point of sale disclosure requirements for analog-only television receivers) (“Second DTV Periodic Report and Order”).

²⁵ *Id.* at 8783.

transition to digital by ensuring that “a greater portion of all TV receiver products that are in use by consumers at the time analog service ceases will be able to receive broadcasters’ digital signals and thus provide a smooth and orderly completion of the switchover process.”²⁶ The continued importation and shipment of new analog-only receivers by responsible parties,²⁷ even if properly displayed for retail, defeats this key objective. Section 15.117(k) provides no exemption from the separate and distinct prohibition on the importation and interstate shipment of non-DTV-compliant television receivers set forth in Section 15.117(i).

B. Proposed Forfeiture

11. Under Section 503(b)(1)(B) of the Act, any person who is determined by the Commission to have willfully or repeatedly failed to comply with any provision of the Act or any rule, regulation, or order issued by the Commission shall be liable to the United States for a forfeiture penalty.²⁸ To impose such a forfeiture penalty, the Commission must issue a notice of apparent liability and the person against whom such notice has been issued must have an opportunity to show, in writing, why no such forfeiture penalty should be imposed.²⁹ The Commission will then issue a forfeiture if it finds by a preponderance of the evidence that the person has violated the Act or a Commission rule.³⁰ Based on the analysis set forth below, we conclude that Hannsperre is apparently liable for a forfeiture in the amount of \$12,450 for its willful and repeated violation of Section 15.117(i)(1)(iii) of the Rules.

12. Under Section 503(b)(2)(D) of the Act,³¹ the Commission may assess an entity that is neither a common carrier, broadcast licensee or cable operator a forfeiture of up to \$11,000 for each violation or each day of a continuing violation, up to a statutory maximum forfeiture of \$97,500 for any single continuing violation. In exercising such authority, we are required to take into account “the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”³²

13. The Commission’s *Forfeiture Policy Statement*³³ and Section 1.80 of the Rules do not establish a specific base forfeiture for violation of the DTV tuner requirement. However, the Commission

²⁶ See *DTV Tuner Second Report and Order*, 20 FCC Rcd at 18613-14.

²⁷ See *supra* note 9.

²⁸ 47 U.S.C. § 503(b)(1)(B); 47 C.F.R. § 1.80(a)(1).

²⁹ 47 U.S.C. § 503(b); 47 C.F.R. § 1.80(f).

³⁰ See, e.g., *SBC Communications*, 17 FCC Rcd at 7591.

³¹ 47 U.S.C. § 503(b)(2)(D). The Commission has amended Section 1.80(b)(3) of the Rules, 47 C.F.R. § 1.80(b)(3), three times to increase the maximum forfeiture amounts, in accordance with the inflation adjustment requirements contained in the Debt Collection Improvement Act of 1996, 28 U.S.C. § 2461. See *Amendment of Section 1.80 of the Commission’s Rules and Adjustment of Forfeiture Maxima to Reflect Inflation*, 23 FCC Rcd 9845 (2008) (adjusting the maximum statutory amounts from \$11,000/\$97,500 to \$16,000/\$112,500); *Amendment of Section 1.80 of the Commission’s Rules and Adjustment of Forfeiture Maxima to Reflect Inflation*, Order, 19 FCC Rcd 10945 (2004) (adjusting the maximum statutory amounts from \$11,000/\$87,500 to \$11,000/\$97,500); *Amendment of Section 1.80 of the Commission’s Rules and Adjustment of Forfeiture Maxima to Reflect Inflation*, Order, 15 FCC Rcd 18221 (2000) (adjusting the maximum statutory amounts from \$10,000/\$75,000 to \$11,000/\$87,500). The most recent inflation adjustment is effective September 2, 2008. See 73 Fed. Reg. 44663-5.

³² 47 U.S.C. § 503(b)(2)(E). See also 47 C.F.R. § 1.80(b)(4), Note to paragraph (b)(4): Section II. Adjustment Criteria for Section 503 Forfeitures.

³³ See *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17115 (1997), *recon. denied*, 15 FCC Rcd 303 (1999) (“*Forfeiture Policy Statement*”).

has substantial discretion in proposing forfeitures³⁴ and has stressed that digital signal reception capability is of critical importance to a successful digital transition for the nation.³⁵ In its previous DTV tuner cases, the Commission concluded that applying a proposed forfeiture on a per model basis would result in forfeiture amounts that are not commensurate with the seriousness of the violation.³⁶ Accordingly, the Commission determined that, in cases involving the interstate shipping or importation of non-DTV-compliant television receivers, we would propose a forfeiture based upon each unit shipped or imported within the statute of limitations, rather than upon the number of models shipped or imported.³⁷

14. We apply the following tiers and per-unit penalties for violation of the Commission's DTV tuner requirements:

0-1000 units: \$50 per unit
1001-2500 units: \$75 per unit
2501-5000 units: \$100 per unit
5001-10,000 units: \$125 per unit
10,001-20,000 units: \$150 per unit
20,001-30,000 units: \$175 per unit
30,001-40,000 units: \$200 per unit
40,001-50,000 units: \$225 per unit
50,001+ units: \$250 per unit³⁸

Consistent with the Commission's other DTV tuner *NALs*, we will use the tier-by-tier, per-unit methodology articulated in those decisions to assess the forfeiture here.

15. Although Hannspree imported 1,129 non-DTV-compliant television receivers between March 1, 2007 and the August 6, 2008 date of its LOI Response, 880 of those receivers were shipped more than one year prior to the date of this *NAL*. Section 503(b)(6)(B) of the Act prohibits the Commission from imposing a forfeiture penalty against a person that does not hold a broadcast license "if the violation occurred more than 1 year prior to the date of issuance of the required notice or notice of apparent liability."³⁹ This section does not, however, bar the Commission from considering conduct which occurred before the one-year period in its determination of the appropriate forfeiture amount for violations that occurred within that period.⁴⁰ Therefore, we consider Hannspree's conduct which occurred outside of the one-year statute of limitations but propose a forfeiture here only for those 249 non-DTV-compliant receivers shipped interstate within the one-year period.

³⁴ See, e.g., *InPhonic, Inc.*, Order of Forfeiture and Further Notice of Apparent Liability, 22 FCC Rcd 8689, 8699 (2007); *Globcom, Inc. d/b/a Globcom Global Commun.*, Order of Forfeiture, 21 FCC Rcd 4710, 4723-24 (2006).

³⁵ See *DTV Tuner Report and Order*, 20 FCC Rcd at 11198; *DTV Tuner Second Report and Order*, 20 FCC Rcd at 18609.

³⁶ *Syntax-Brilliant Corporation*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 10530, 10535-36 (2007), forfeiture ordered, 23 FCC Rcd 6323 (2008) ("*Syntax-Brilliant NAL*"); *Regent U.S.A., Inc.*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 10520, 10525 (2007) (forfeiture paid) ("*Regent NAL*").

³⁷ See *Syntax-Brilliant NAL*, 22 FCC Rcd at 10535; *Regent NAL*, 22 FCC Rcd at 10525-26.

³⁸ See *Invision Industries, Inc.*, Notice of Apparent Liability for Forfeiture and Order, FCC 08-187 (rel. August 18, 2008); *Precor, Inc.*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 6361, 6367 (2008) (forfeiture paid) ("*Precor NAL*"); *Syntax-Brilliant NAL*, 22 FCC Rcd at 10536; *Regent NAL*, 22 FCC Rcd at 10525.

³⁹ 47 U.S.C. § 503(b)(6)(B).

⁴⁰ See 47 U.S.C. § 503(b)(2)(D), 47 C.F.R. § 1.80(b)(4); see also *Behringer USA, Inc.*, Notice of Apparent Liability, 21 FCC Rcd 1820, 1825(2006), forfeiture ordered, Forfeiture Order, 22 FCC Rcd. 1051 (2007).

16. Applying the forfeiture calculation methodology outlined above, we propose a forfeiture of \$12,450 for Hannspree's willful and repeated interstate shipment of television receivers that do not comply with the DTV tuner requirement in violation of Section 15.117(i)(1)(iii) of the Rules.

IV. ORDERING CLAUSES

17. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act, and Section 1.80 of the Rules, Hannspree North America, Incorporated is **NOTIFIED** of its **APPARENT LIABILITY FOR A FORFEITURE** in the amount of twelve thousand four hundred and fifty dollars (\$12,450) for willful and repeated violation of Section 15.117(i)(1)(iii).

18. **IT IS FURTHER ORDERED** that, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this Notice of Apparent Liability for Forfeiture, Hannspree **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

19. 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/Account Number and FRN Number referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payment by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters "FORF" in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures. Hannspree will also send electronic notification on the date said payment is made to JoAnn Lucanik at JoAnnLucanik@fcc.gov and to Kevin M. Pittman at Kevin.Pittman@fcc.gov.

20. The response, if any, must be mailed to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, ATTN: Enforcement Bureau – Spectrum Enforcement Division, and must include the NAL/Acct. No. referenced in the caption. The response should also be emailed to JoAnn Lucanik at JoAnnLucanik@fcc.gov and to Kevin M. Pittman at Kevin.Pittman@fcc.gov.

21. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

22. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first class mail and certified mail return receipt requested to Eric Hsu, Vice-President of Operations, Hannspree North America, Inc., 14450 Myford Road, Irvine, California 92606-1001.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief, Enforcement Bureau