



**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

November 14, 2008

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND FACSIMILE AT 480-539-0794

Ken McLeod, President
CSG Wireless Inc.
PO Box 13110
Chandler, Arizona 85248-0036

Re: File No. EB-07-SE-173

Dear Mr. McLeod:

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), to CSG Wireless Inc. (also referred to as “CSG” or “Company”) for failing to respond 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.

On July 17, 2007, the Spectrum Enforcement Division of the Enforcement Bureau (“Bureau”) sent a Letter of Inquiry (“LOI”) to CSG to investigate allegations raised by a complaint that CSG was operating wireless communication facilities without authorization.¹ In its September 17, 2007 Response, CSG denied the allegations, emphasizing that CSG does not lease or operate microwave links but that it constructed the wireless communication system in question.² Because CSG’s LOI Response failed to identify the geographic location (longitude and latitude) of each transmitter and receiver site and the frequencies used in connection with operation of these links as instructed in the LOI, the Bureau sent CSG a follow-up LOI on August 18, 2008 (copy enclosed) via certified mail and facsimile, seeking additional information about the installation of the links at various locations. Confirmation from the United States Postal Office and a facsimile transmission report indicate that CSG received this LOI.³ CSG’s response to this LOI was due on September 8, 2008. As of the date of this Citation, however, the Bureau has not received CSG’s response. Accordingly, it appears that CSG violated a Commission order by failing to respond to Bureau directives to provide certain information and documents.

¹ See Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission to Ken McLeod, President, CSG Wireless Inc. (July 17, 2007).

² See Letter from Ken McLeod, President, CSG Wireless Inc., to Katherine S. Berthot, Division Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission at 2 (September 17, 2007) (“LOI Response”).

³ See Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission to Ken McLeod, President, CSG Wireless Inc. (August 18, 2008) (“Second LOI”).

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) of the Act 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 of the Act 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.”

A party may not ignore the directives in a Bureau inquiry letter.⁴ You are again ordered, pursuant to Sections 4(i), 4(j) and 403 of the Act, to provide a response to the Bureau’s Second LOI within 10 days of the date of this citation in the manner indicated in the Second LOI.

If, after receipt of this citation, CSG violates the Communications Act or the Commission’s rules in any manner described herein, the Commission may impose monetary forfeitures not to exceed \$16,000 for each such violation or each day of a continuing violation, up to a total forfeiture amount of \$112,500 for any single act or failure to act.⁵

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 CSG is taking to ensure that it does not violate the Commission’s rules governing responses to official Commission correspondence or directives.

The nearest Commission field office is the San Diego Office in San Diego, California. Please call Nissa Laughner at 202-418-1358 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:

Kathryn S. Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, S.W., Rm. 3-C366
Washington, D.C. 20554

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.

⁴ See, e.g., *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591 (2002). In *SBC Communications, Inc.*, the Commission imposed 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 7591.

⁵ See 47 C.F.R. § 1.80(b)(3).

Thank you in advance for your anticipated cooperation.

Sincerely,

Kathryn S. Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau

Enclosures

cc: James Padish, Esq.