

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

In the Matter of	)	
	)	
Manning Municipal Communications and	)	File No. EB-06-TC-4501
Television System Utilities	)	NAL/Acct. No. 20073217 0053
	)	FRN: 0003752508
Apparent Liability for Forfeiture	)	
	)	

**ORDER**

**Adopted: May 2, 2008**

**Released: May 2, 2008**

By the Chief, Enforcement Bureau:

**I. INTRODUCTION AND BACKGROUND**

1. In this *Order*, we cancel a proposed forfeiture in the amount of four thousand dollars (\$4,000) issued to Manning Municipal Communications and Television System Utilities (“Manning”) for apparent willful and repeated violation of a Commission order for failure to respond to a directive of the Enforcement Bureau (“Bureau”) to provide certain information and documents related to the Bureau’s investigations into carrier protection of customer proprietary network information (“CPNI”).

2. On December 5, 2006, the Bureau issued a Letter of Inquiry (“LOI”) to Manning directing Manning to provide the company’s CPNI compliance certificates for the previous five years, prepared pursuant to section 64.2009(e) of the Commission’s rules.<sup>1</sup> On March 30, 2007, the Bureau issued a *Notice of Apparent Liability for Forfeiture* (“NAL”) in the amount of \$4,000 to Manning for failing to respond to a directive of the Bureau to provide certain information and documents related to the Bureau’s investigation into carrier protection of CPNI.<sup>2</sup> Manning filed responses to the NAL on May 11, 2007, and May 16, 2007 (“Response”).

**II. DISCUSSION**

3. Manning’s response to the NAL includes a notarized letter attesting to the fact that the company filed a response to the LOI in December 2006. The NAL response also included a copy of Manning’s CPNI Certification dated December 8, 2006, an accompanying statement outlining Manning’s CPNI operating procedures and an annual CPNI acknowledgement that must be signed by its employees. Pursuant to the December 5, 2006 LOI sent to Manning, the company was required to direct the original of its response to Marcy Greene, Deputy Division Chief, Telecommunications Consumers Division, Enforcement Bureau and submit its response via hand-delivery and via email with all attachments to [christopher.olsen@fcc.gov](mailto:christopher.olsen@fcc.gov) and [marcy.greene@fcc.gov](mailto:marcy.greene@fcc.gov). Manning failed to submit its response in accordance with the requirements of the LOI. Companies such as Manning have a duty to follow all

<sup>1</sup> Letter from Marcy Greene, Deputy Division Chief, Telecommunications Consumers Division, Enforcement Bureau to Jeffrey F. Carson, Manning Municipal Communications and Television System Utilities and CT Corporation (December 5, 2006) (“LOI”). See 47 C.F.R. § 64.2009(e).

<sup>2</sup> *Notice of Apparent Liability for Forfeiture*, 22 FCC Rcd 6313 (March 30, 2007).

instructions contained in the LOI to ensure that their responses are addressed to the appropriate individuals and received. Despite Manning's failure to carefully adhere to the instructions in the LOI, we exercise our discretion to cancel the proposed forfeiture against the company in this case, because it has provided evidence that it did file a timely response, and does not make frequent filings with the Commission. We strongly caution Manning to carefully follow all relevant instructions in Commission directives when dealing with the Commission in the future.

4. Based on our review of Manning's Response and the record, we find that Manning did not willfully and repeatedly violate a Commission order by failing to respond to a directive of the Bureau. Consequently, we conclude that no forfeiture should be imposed.

5. **ACCORDINGLY, IT IS ORDERED** that, pursuant to section 503(b) of the Communications Act of 1934, as amended ("Act"), and sections 0.111, 0.311 and 1.80(f) (4) of the Commission's rules, that the proposed forfeiture in the amount of four thousand dollars (\$4,000) issued to Manning Municipal Communications and Television System Utilities, in the March 30, 2007, Notice of Apparent Liability for Forfeiture for willful and repeated violations of a Commission order **IS CANCELLED**.

6. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Manning Municipal Communications and Television System Utilities, at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

Kris A. Monteith  
Chief, Enforcement Bureau