

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

In the Matter of)	File No. EB-08-TC-3272
)	
Cellular Abroad, Inc.)	NAL/Acct. No. 200932170942
)	
Apparent Liability for Forfeiture)	FRN: 0016516411

ORDER

Adopted: September 1, 2009**Released: September 1, 2009**

By the Acting Chief, Enforcement Bureau:

1. In this Order, we cancel a proposed forfeiture in the amount of twenty thousand dollars (\$20,000) issued to Cellular Abroad, Inc. ("Cellular Abroad"). On February 24, 2009, the Bureau issued to Cellular Abroad a *Notice of Apparent Liability for Forfeiture* ("*Omnibus NAL*")¹ based on Cellular Abroad's apparent violation of section 222 of the Communications Act of 1934, as amended (the "Act"),² section 64.2009(e) of the Commission's rules,³ and the Commission's *EPIC CPNI Order*⁴ by failing to timely file an annual compliance certification with the Bureau.

2. Upon review of the record, and based on additional information provided by Cellular Abroad, we agree with Cellular Abroad that it was not required to file a CPNI certification for calendar year 2007. Cellular Abroad is not a telecommunications carrier; it is in the business of selling international subscriber identity module ("SIM") cards as well as selling and renting mobile phones. Cellular Abroad thus had no telecommunications customers during the 2007 calendar year, only customers for equipment rentals and sales and SIM card sales. Accordingly, we find that Cellular Abroad did not violate section 222 of the Act,⁵ section 64.2009(e) of the Commission's rules,⁶ or the Commission's *EPIC CPNI Order*. Consequently, we conclude that no forfeiture should be imposed.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to section 503(b) of the Communications Act of 1934, as amended, and sections 0.111, 0.311 and 1.80(f)(4) of the Commission's

¹ *Annual CPNI Certification*, Omnibus Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 2299 (Enf. Bur. 2009) ("*Omnibus NAL*").

² 47 U.S.C. § 222.

³ 47 C.F.R. § 64.2009(e).

⁴ *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services*, CC Docket No. 96-115; WC Docket No. 04-36, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927, 6953 (2007) ("*EPIC CPNI Order*"); *aff'd sub nom. Nat'l Cable & Telecom. Assoc. v. FCC*, No. 07-132, (D.C. Cir. decided Feb. 13, 2009).

⁵ 47 U.S.C. § 222.

⁶ 47 C.F.R. § 64.2009(e).

rules, that the proposed forfeiture in the amount of twenty thousand dollars (\$20,000) issued to Cellular Abroad in the February 24, 2009 *Omnibus Notice of Apparent Liability for Forfeiture* **IS CANCELLED**.

4. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Cellular Abroad, attn: Sebastian Harrison, 425 Culver Blvd., Playa del Ray, CA 90293.

FEDERAL COMMUNICATIONS COMMISSION

Suzanne M. Tetreault
Acting Chief, Enforcement Bureau