

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

In the Matter of)	File No. EB-08-TC-4923
)	
Orange Auto Sound)	NAL/Acct. No. 200932170639
)	
Apparent Liability for Forfeiture)	FRN: 0016256448
)	
)	

ORDER

Adopted: August 31, 2009

Released: August 31, 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 Orange Auto Sound (“Orange”). On February 24, 2009, the Bureau issued to Orange a *Notice of Apparent Liability for Forfeiture* (“*Omnibus NAL*”)¹ based on Orange’s apparent violation of section 222 of the Communications Act of 1934, as amended,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 upon additional information provided by Orange, we agree with Orange that it had no telecommunications customers during the 2007 calendar year, thus an annual compliance certification for calendar year 2007 was not due. Accordingly, we find that Orange 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 (“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 twenty thousand dollars (\$20,000) issued to Orange Auto Sound in the February 24, 2009 *Omnibus Notice of Apparent Liability for Forfeiture* **IS CANCELLED**.

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).

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 Orange Auto Sound, at its address of record, attn: Courtney Ragusa, 3712 2nd Ave., Orange, TX 77630.

FEDERAL COMMUNICATIONS COMMISSION

Suzanne M. Tetreault
Acting Chief, Enforcement Bureau