

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

In the Matter of)	File No. EB-08-SE-005
)	
Long Lines Wireless, LLC d/b/a)	Acct. No. 200932100048
Long Lines Wireless)	FRN No. 0001650860
)	

ORDER

Adopted: February 24, 2009

Released: February 26, 2009

By the Chief, Spectrum Enforcement Division, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau (“Bureau”) and Long Lines Wireless, LLC d/b/a Long Lines Wireless (“Long Lines”). The Consent Decree terminates an investigation of Long Lines by the Bureau for possible violations of former Section 20.19(d)(2) of the Commission’s Rules (“Rules”)¹ regarding the inductive coupling hearing aid compatibility requirements.

2. The Bureau and Long Lines have negotiated the terms of the Consent Decree that resolve this matter. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the investigation.

4. In the absence of material new evidence relating to this matter, we conclude that our investigation raises no substantial or material questions of fact as to whether Long Lines possesses the basic qualifications, including those related to character, to hold or obtain any Commission license or authorization.

5. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i) of the Act,² and sections 0.111 and 0.311 of the Rules,³ the Consent Decree attached to this Order **IS ADOPTED**.

6. **IT IS FURTHER ORDERED** that the above-captioned investigation **IS TERMINATED**.

¹ 47 C.F.R. § 20.19(d)(2) (2007).

² 47 U.S.C. § 154(i).

³ 47 C.F.R. §§ 0.111, 0.311.

7. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to Brent Olson, Long Lines Wireless, LLC, 501 4th St, Sergeant Bluff, IA 51054 and to its counsel, Kenneth C. Johnson, Esq., Bennet & Bennet, PLLC, 10 G St. NE, Seventh Floor, Washington, DC 20002.

FEDERAL COMMUNICATIONS COMMISSION

Kathryn S. Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau

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Long Lines Wireless, LLC d/b/a)	Acct. No. 200932100048
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CONSENT DECREE

The Enforcement Bureau (“Bureau”) and Long Lines Wireless, LLC d/b/a Long Lines Wireless (“Long Lines”), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau’s investigation into whether Long Lines violated former Section 20.19(d)(2) of the Commission’s Rules¹ regarding the inductive coupling hearing aid compatibility requirements.

I. DEFINITIONS

1. For the purposes of this Consent Decree, the following definitions shall apply:
 - (a) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. §§ 151 *et seq.*
 - (b) “Adopting Order” means an Order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) “Bureau” means the Enforcement Bureau of the Federal Communications Commission.
 - (d) “Commission” and “FCC” mean the Federal Communications Commission and all of its bureaus and offices.
 - (e) “Compliance Plan” means the program described in this Consent Decree at paragraph 8.
 - (f) “Effective Date” means the date the Bureau releases the Adopting Order.
 - (g) “Investigation” means any investigation initiated by the Bureau regarding whether Long Lines violated the inductive coupling hearing aid compatibility requirements of former Section 20.19(d)(2) of the Rules.
 - (h) “Long Lines” means Long Lines Wireless, LLC d/b/a Long Lines Wireless, and its predecessors-in-interest and successors-in-interest.
 - (i) “Parties” means Long Lines and the Bureau.

¹ 47 C.F.R. § 20.19(d)(2) (2007). In February 2008, as part of a comprehensive reconsideration of the effectiveness of the hearing aid compatibility rules, the Commission made several changes to these rules. *See Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets*, First Report and Order, 23 FCC Rcd 3406 (2008) (“*Hearing Aid Compatibility First Report and Order*”), Order on Reconsideration and Erratum, 23 FCC Rcd 7249 (2008).

- (j) "Rules" means the Commission's regulations found in Title 47 of the Code of Federal Regulations.

II. BACKGROUND

2. Pursuant to former Section 20.19(d)(2) of the Rules, carriers are required to offer at least two handset models for each air interface that meet the inductive coupling standards for hearing aid compatibility.

3. On September 18, 2006, Long Lines filed a Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules requesting a limited waiver of the FCC's requirement that Long Lines offer at least two T-rated handsets by September 18, 2006.² The Long Lines Petition requested additional time to obtain the handsets until January 1, 2007. On September 20, 2007, Long Lines filed an Amendment to Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules requesting extended relief of this deadline for an additional three weeks until January 26, 2007.³ On February 27, 2008, the Commission issued a Memorandum Opinion and Order that, *inter alia*, denied Long Lines' Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules and referred Long Lines' apparent violation to the Bureau.⁴

III. TERMS OF AGREEMENT

4. **Adopting Order.** The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order without change, addition, modification, or deletion.

5. **Jurisdiction.** Long Lines agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

6. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the date on which the Bureau releases the Adopting Order. Upon release, the Adopting Order and this Consent Decree shall have the same force and effect as any other Order of the Bureau. Any violation of the Adopting Order or of the terms of this Consent Decree shall constitute a separate violation of a Bureau Order, entitling the Bureau to exercise any rights and remedies attendant to the enforcement of a Commission Order.

7. **Termination of Investigations.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate its investigation. In consideration for the termination of said investigation, Long Lines agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that in the absence of new material evidence, the Bureau will not use the facts developed in this investigation through the Effective Date of the Consent Decree, or the existence of this Consent Decree, to institute, on its own motion, any new proceeding, formal or informal, or take any action on its own motion against Long Lines concerning the matters that were the subject of the investigation. The Bureau also agrees that it will not use the facts developed in this investigation through the Effective Date of this Consent Decree, or the

² See Long Lines Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, WT Docket No. 01-309 (September 18, 2006).

³ See Long Lines Amendment to Petition for Temporary and Limited Waiver of Section 20.19(d)(2) of the Commission's Rules, WT Docket No. 01-309 (September 20, 2007).

⁴ See Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, Petitions for Waiver of Section 20.19 of the Commission's Rules, Memorandum Opinion and Order, 23 FCC Rcd 3352 (2008).

existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or take any action on its own motion against Long Lines with respect to Long Lines's basic qualifications, including its character qualifications, to be a Commission licensee or authorized common carrier.

8. **Compliance Plan.** For purposes of settling the matters set forth herein, Long Lines agrees to maintain a Compliance Plan related to future compliance with the Act, the Commission's Rules, and the Commission's Orders. The Plan will include, at a minimum, the following components:

- (a) **Compliance Officer.** Long Lines has designated a hearing aid compatibility compliance officer. The designated hearing aid compatibility compliance officer will be familiar with the FCC's hearing aid compatibility regulations and associated selling and labeling benchmarks. The designated hearing aid compatibility compliance officer will also review the FCC's hearing aid compatibility regulations on a monthly basis in order to stay abreast of pending benchmarks and any new hearing aid compatibility requirements.
- (b) **Training.** The designated hearing aid compatibility compliance officer will be responsible for ensuring that all Long Lines retail staff receives training regarding the hearing aid compatibility capabilities of the handsets Long Lines offers for sale. Such training will be completed within ninety (90) days of the Effective Date and any new employees will receive training within sixty (60) days of their employment.
- (c) **Consumer Outreach.** Long Lines will advertise the availability of hearing aid-compatible handsets to ensure that all of its retail customers are aware that hearing aid-compatible handsets are available.
- (d) **Compliance Reports.** Long Lines will file compliance reports with the Commission ninety (90) days after the Effective Date, twelve (12) months after the Effective Date, and twenty-four (24) months after the Effective Date. Each report shall include a compliance certificate from an officer, as an agent of Long Lines, stating that the officer has personal knowledge that Long Lines has established operating procedures intended to ensure compliance with this Consent Decree, together with an accompanying statement explaining the basis for the officer's compliance certification. All reports shall be submitted to Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. All reports shall also be submitted electronically to Jennifer Burton at Jennifer.Burton@fcc.gov, and JoAnn Lucanik at JoAnn.Lucanik@fcc.gov.
- (e) **Termination Date.** Unless stated otherwise, the requirements of this Consent Decree will expire twenty-four (24) months from the Effective Date.

9. **Section 208 Complaints; Subsequent Investigations.** Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints filed pursuant to Section 208 of the Act against Long Lines or its affiliates for alleged violations of the Act, or for any other type of alleged misconduct, regardless of when such misconduct took place. The Commission's adjudication of any such complaint will be based solely on the record developed in that proceeding. Except as expressly provided in this Consent Decree, this Consent Decree shall not prevent the Commission from investigating new evidence of noncompliance by Long Lines with the Act, the Rules, or Commission Orders.

10. **Voluntary Contribution.** Long Lines agrees that it will make a voluntary contribution to the United States Treasury in the amount of eleven thousand dollars (\$11,000). The payment will be made within thirty (30) days after the Effective Date of the Adopting Order. The payment must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The

payment must include the Account Number and FRN Number referenced in the caption to the Adopting Order. 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 Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Long Lines will also send electronic notification on the date said payment is made to Jennifer Burton, Esq., Jennifer.Burton@fcc.gov, and JoAnn Lucanik, Deputy Division Chief, JoAnn.Lucanik@fcc.gov.

11. **Waivers.** Long Lines waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and Adopting Order, provided the Adopting Order adopts the Consent Decree without change, addition, modification, or deletion. Long Lines shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order, neither Long Lines nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Long Lines shall waive any statutory right to a trial *de novo*. Long Lines hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree.

12. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

13. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent rule or Order adopted by the Commission (except an Order specifically intended to revise the terms of this Consent Decree to which Long Lines does not expressly consent) that provision will be superseded by such Commission rule or Order.

14. **Successors and Assigns.** Long Lines agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

15. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties. The Parties further agree that this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding or determination regarding any compliance or noncompliance with the requirements of the Act or the Commission’s Rules and Orders.

16. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

17. **Paragraph Headings.** The headings of the Paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

18. **Authorized Representative.** Each party represents and warrants to the other that it has full power and authority to enter into this Consent Decree.

19. **Counterparts.** This Consent Decree may be signed in any number of counterparts (including by facsimile), each of which, when executed and delivered, shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.

Kathryn S. Berthot
Chief, Spectrum Enforcement Division
Enforcement Bureau

Date

Brent Olson
Chief Financial Officer
Long Lines Wireless, LLC d/b/a Long Lines
Wireless

Date