

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

In the Matter of	)	File No. EB-05-IH-0808
	)	
Universal Telecommunications, Inc.	)	NAL/Acct. No. 200632080162
	)	
Apparent Liability for Forfeiture	)	FRN No. 0010-5735-09
	)	

**ORDER**

**Adopted: September 3, 2010****Released: September 3, 2010**

By the Chief, Enforcement Bureau:

1. In this Order, based on information that Universal Telecommunications, Inc. (“Universal”) submitted to the Enforcement Bureau (“Bureau”) in response to a *Notice of Apparent Liability for Forfeiture* (“NAL”),<sup>1</sup> we determine that no forfeiture penalty should be imposed on Universal.

2. As explained in the *NAL*, following a series of audits of telecommunications resellers, Bureau staff identified Universal as a reseller that seemingly failed to satisfy various Commission program requirements.<sup>2</sup> On August 17, 2005, the Bureau sent a letter of inquiry (“LOI”) to Universal requesting specific information relating to Universal’s compliance with filing and payment requirements for various federal telecommunications regulatory programs.<sup>3</sup> Universal did not respond to the LOI on the due date, nor did it respond to subsequent Bureau staff communications directing a response.<sup>4</sup> On June 15, 2006, the Bureau issued the *Universal NAL*, in which it concluded that Universal was a regulated telecommunications carrier subject to the Commission’s investigative authority pursuant to sections 4(i), 4(j), 218, and 403 the Communications Act of 1934, as amended (the “Act”),<sup>5</sup> and was apparently liable

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<sup>1</sup> See *Universal Telecommunications, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 21 FCC Rcd 6579 (Enf. Bur. 2006) (“*NAL*” or “*Universal NAL*”).

<sup>2</sup> See *NAL*, 21 FCC Rcd at 6579, para. 3.

<sup>3</sup> See Letter from Hillary S. DeNigro, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau, to Ruth Peterson, Universal Telecommunications, Inc., and CT Corporation, Registered Agent for Universal Telecommunications, Inc., dated August 17, 2005 (“LOI”).

<sup>4</sup> See e.g., Letter from Hillary S. DeNigro, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau, to Ruth Peterson, Universal Telecommunications, Inc., dated October 21, 2005 (“October 21, 2005 Letter”). See also *Universal NAL*, 21 FCC Rcd at 6570-80, paras. 3-4 (describing Bureau staff attempts to solicit the requested information from Universal).

<sup>5</sup> See *id.*

for a forfeiture in the amount of \$20,000 for Universal's failure to provide certain information and documents as directed by the Bureau.<sup>6</sup>

3. Universal filed a response to the *NAL* on August 2, 2006.<sup>7</sup> Based upon that response, we conclude that as a factual matter the company is not a telecommunications carrier and did not hold any license, permit, certificate or other authorization issued by the Commission at the time of the apparent violation.<sup>8</sup> As a result, we are precluded by section 503(b)(5) of the Act from imposing a forfeiture against Universal unless we first issue a citation notifying the company of the violation charged (in this case, failure to respond to a Commission directive).<sup>9</sup> Because no such citation was issued here, we find that no forfeiture should be imposed.

4. ACCORDINGLY, IT IS ORDERED THAT, pursuant to sections 4(i), 4(j), and 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 503(b), the proposed forfeiture against Universal Telecommunications, Inc. on June 13, 2006 WILL NOT BE IMPOSED.

5. IT IS FURTHER ORDERED THAT a copy of this ORDER shall be sent, by certified mail/return receipt requested to Ms. Ruth Peterson, Chief Executive Officer, Universal Telecommunications, Inc., 3781 Presidential Parkway, Suite 132, Atlanta, GA 30340.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison  
Chief  
Enforcement Bureau

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<sup>6</sup> 47 U.S.C. §§ 154(i), 154(j), 218, 403.

<sup>7</sup> *NAL* Response.

<sup>8</sup> *See id.* at 3. Based on our review of the *NAL* Response, we issued a supplemental letter of inquiry seeking additional information regarding services provided by Universal. *See* Letter from Trent B. Harkrader, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau, to Ruth Peterson, Universal Telecommunications, Inc., dated July 23, 2007. Universal responded on September 26, 2007. *See* Letter from Adrian L. Ferguson, Universal Telecommunications, Inc., to Vickie Robinson, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, filed Sept. 26, 2007.

<sup>9</sup> 47 U.S.C. § 503(b)(5).