

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

In the Matter of	)	
	)	
East Buchanan Telephone Cooperative	)	File No.: EB-10-SE-110
	)	
	)	NAL/Acct. No.: 201132100011
	)	
	)	FRN: 0002557627

**NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

**Adopted: November 29, 2010**

**Released: November 29, 2010**

By the Chief, Enforcement Bureau:

**I. INTRODUCTION**

1. In this *Notice of Apparent Liability for Forfeiture* (“NAL”), we propose a forfeiture of forty-five thousand dollars (\$45,000) against East Buchanan Telephone Cooperative (“East Buchanan”), a Global System for Mobile Communications-based (“GSM-based”) Tier III carrier<sup>1</sup> serving parts of Iowa. As detailed herein, we find that East Buchanan apparently willfully and repeatedly violated section 20.19(c)(3)(ii) of the Commission’s rules (“Rules”),<sup>2</sup> by failing to offer to consumers the required number or percentage of digital wireless handsets that met or exceeded the radio frequency interference standards for hearing aid compatibility set forth in section 20.19(b)(1),<sup>3</sup> and apparently willfully and repeatedly violated section 20.19(d)(3)(ii) of the Rules,<sup>4</sup> by failing to offer to consumers the required number or percentage of digital wireless handsets that met or exceeded the inductive coupling standards for hearing aid compatibility set forth in section 20.19(b)(2).<sup>5</sup>

**II. BACKGROUND**

2. In the 2003 *Hearing Aid Compatibility Order*, the Commission adopted several measures to enhance the ability of consumers with hearing loss to access digital wireless telecommunications.<sup>6</sup> The

<sup>1</sup> Tier III carriers are non-Nationwide wireless radio service providers with 500,000 or fewer subscribers as of the end of September 2001. See *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers*, Order to Stay, 17 FCC Rcd 14841, 14847-48 ¶¶ 22-24 (2002).

<sup>2</sup> 47 C.F.R. § 20.19(c)(3)(ii).

<sup>3</sup> 47 C.F.R. § 20.19(b)(1).

<sup>4</sup> 47 C.F.R. § 20.19(d)(3)(ii).

<sup>5</sup> 47 C.F.R. § 20.19(b)(2).

<sup>6</sup> *Section 68.4(a) of the Commission’s Rules Governing Hearing Aid-Compatible Telephones*, Report and Order, 18 FCC Rcd 16753 (2003); Erratum, 18 FCC Rcd 18047 (2003) (“*Hearing Aid Compatibility Order*”); Order on Reconsideration and Further Notice of Proposed Rulemaking, 20 FCC Rcd 11221 (2005). The Commission adopted these requirements for digital wireless telephones under the authority of the Hearing Aid Compatibility Act of 1988, codified at section 710(b)(2)(C) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 610(b)(2)(C).

Commission established technical standards that digital wireless handsets must meet to be considered compatible with hearing aids operating in acoustic coupling and inductive coupling (telecoil) modes.<sup>7</sup> Specifically, the Commission adopted a standard for radio frequency interference (the “M3” rating) to enable acoustic coupling between digital wireless phones and hearing aids operating in acoustic coupling mode, and a separate standard (the “T3” rating) to enable inductive coupling with hearing aids operating in telecoil mode.<sup>8</sup>

3. In the 2008 *Hearing Aid Compatibility First Report and Order*, the Commission established several deadlines between 2008 and 2011 by which manufacturers and service providers<sup>9</sup> are required to offer specified numbers or percentages of digital wireless handset models. These requirements apply separately to phones operating over each air interface,<sup>10</sup> and the benchmarks and

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<sup>7</sup> See *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16777 ¶ 56; 47 C.F.R. § 20.19(b)(1), (2). The *Hearing Aid Compatibility Order* described the acoustic coupling and the inductive (telecoil) coupling modes as follows:

In acoustic coupling mode, the microphone picks up surrounding sounds, desired and undesired, and converts them into electrical signals. The electrical signals are amplified as needed and then converted back into electrical signals. In telecoil mode, with the microphone turned off, the telecoil picks up the audio signal-based magnetic field generated by the voice coil of a dynamic speaker in hearing aid-compatible telephones, audio loop systems, or powered neck loops. The hearing aid converts the magnetic field into electrical signals, amplifies them as needed, and converts them back into sound via the speaker. Using a telecoil avoids the feedback that often results from putting a hearing aid up against a telephone earpiece, can help prevent exposure to over amplification, and eliminates background noise, providing improved access to the telephone.

*Id.* at 16763 ¶ 22.

<sup>8</sup> As subsequently amended, section 20.19(b)(1) provides that, for the period beginning June 6, 2008 and ending January 1, 2010, a wireless handset is deemed hearing aid-compatible for radio frequency interference if, at minimum, it meets the M3 rating associated with the technical standard set forth in either the standard document “American National Standard Methods of Measurement of Compatibility between Wireless Communication Devices and Hearing Aids,” ANSI C63.19-2006 (June 12, 2006) or ANSI 63.19-2007 (June 8, 2007). 47 C.F.R. § 20.19(b)(1). Section 20.19(b)(2) provides that, for the period beginning June 6, 2008 and ending January 1, 2010, a wireless handset is deemed hearing aid-compatible for inductive coupling if, at minimum, it meets the T3 rating associated with the technical standard as set forth in either the standard document “American National Standard Methods of Measurement of Compatibility between Wireless Communication Devices and Hearing Aids,” ANSI C63.19-2006 (June 12, 2006) or ANSI 63.19-2007 (June 8, 2007). 47 C.F.R. § 20.19(b)(2).

<sup>9</sup> This requirement does not apply to service providers and manufacturers that meet the *de minimis* exception. See *Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets*, First Report and Order, 23 FCC Rcd 3406, 3418-24 ¶¶ 34-46 (2008) (“*Hearing Aid Compatibility First Report and Order*”), Order on Reconsideration and Erratum, 23 FCC Rcd 7249 (2008); 47 C.F.R. §§ 20.19(c), (d). The *de minimis* exception provides that manufacturers or mobile service providers that offer two or fewer digital wireless handset models per air interface are exempt from the hearing aid compatibility requirements and manufacturers or service providers that offer three digital wireless handset models per air interface must offer at least one compliant model. 47 C.F.R. § 20.19(e). We note that the Commission recently limited the *de minimis* exception to exclude service providers that are not small entities after an initial two-year period. See *Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets*, Policy Statement and Second Report and Order and Further Notice of Proposed Rulemaking, FCC 10-145 ¶¶ 35-59 (rel. Aug. 5, 2010).

<sup>10</sup> The term “air interface” refers to the technical protocol that ensures compatibility between mobile radio service equipment, such as handsets, and the service provider’s base stations. Currently, the leading air interfaces include Code Division Multiple Access (CDMA), Global System for Mobile Communications (GSM), Integrated Digital Enhanced Network (iDEN), and Wideband Code Division Multiple Access (WCDMA) a/k/a Universal Mobile Telecommunications System (UMTS).

deadlines vary depending upon the applicable interference standard as well as the category of manufacturer or service provider. Between September 7, 2008 and May 14, 2009, non-Tier I service providers were required to ensure that at least eight handset models per digital air interface, or at least 50% of the models offered per digital air interface, met or exceeded the M3 rating,<sup>11</sup> and that at least three handset models per digital air interface, or at least one-third of the models offered per digital air interface, met or exceeded the T3 rating.<sup>12</sup> Between May 15, 2009 and May 14, 2010, non-Tier I service providers were required to ensure that at least nine handset models per digital air interface, or at least 50% of the models offered per digital air interface, met or exceeded the M3 rating,<sup>13</sup> and that at least five handset models per digital air interface, or at least one-third of the models offered per digital air interface, met or exceeded the T3 rating.<sup>14</sup> To ensure that the Commission can accurately monitor the availability of these handsets, and to provide valuable information to the public concerning the technical testing and commercial availability of hearing aid-compatible handsets (including on the Internet),<sup>15</sup> the FCC also requires annual reports from service providers and manufacturers on their efforts towards compliance.

4. On January 11, 2010, East Buchanan submitted its hearing aid compatibility status report for the 2009 reporting period.<sup>16</sup> East Buchanan's 2009 Report reveals that between June 1, 2009 and October 31, 2009, only two of the five handset models it offered to consumers met or exceeded the M3 rating, and between November 1, 2009 and November 30, 2009, only three of the seven handset models it offered to consumers met or exceeded the M3 rating.<sup>17</sup> East Buchanan's 2009 Report also reveals that between June 1, 2009 and October 31, 2009, only one of the five handset models it offered to consumers met or exceeded the T3 rating, and between November 1, 2009 and November 30, 2009, only one of the seven handset models it offered to consumers met or exceeded the T3 rating.<sup>18</sup>

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<sup>11</sup> See *Hearing Aid Compatibility First Report and Order*, 23 FCC Rcd at 3419 ¶ 35; 47 C.F.R. § 20.19(c)(3)(ii).

<sup>12</sup> See *Hearing Aid Compatibility First Report and Order*, 23 FCC Rcd at 3419 ¶ 36; 47 C.F.R. § 20.19(d)(3)(ii).

<sup>13</sup> See *Hearing Aid Compatibility First Report and Order*, 23 FCC Rcd at 3419 ¶ 35; 47 C.F.R. § 20.19(c)(3)(ii).

<sup>14</sup> See *Hearing Aid Compatibility First Report and Order*, 23 FCC Rcd at 3419 ¶ 36; 47 C.F.R. § 20.19(d)(3)(ii).

<sup>15</sup> See *Hearing Aid Compatibility First Report and Order*, 23 FCC Rcd at 3443 ¶ 91. The Commission initially required manufacturers and digital wireless service providers to report every six months on efforts toward compliance with the hearing aid compatibility requirements for the first three years of implementation (May 17, 2004, November 17, 2004, May 17, 2005, November 17, 2005, May 17, 2006 and November 17, 2006), and then annually thereafter through the fifth year of implementation (November 19, 2007 and November 17, 2008). *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16787 ¶ 89; see also *Wireless Telecommunications Bureau Announces Hearing Aid Compatibility Reporting Dates for Wireless Carriers and Handset Manufacturers*, Public Notice, 19 FCC Rcd 4097 (Wireless Tel. Bur. 2004). In its 2008 *Hearing Aid Compatibility First Report and Order*, the Commission extended these reporting requirements with certain modifications on an open ended basis, beginning January 15, 2009. See *Hearing Aid Compatibility First Report and Order*, 23 FCC Rcd at 3410 ¶ 13. In addition, the Commission made clear that these reporting requirements apply to manufacturers and service providers that fit within the *de minimis* exception. *Id.* at 3446 ¶ 99.

<sup>16</sup> See East Buchanan Telephone Cooperative Hearing Aid Compatibility Status Report (filed January 11, 2010) ("2009 Report"), at [http://wireless.fcc.gov/hac\\_documents/100317/East%20Buchanan%20Teleph\\_151.PDF](http://wireless.fcc.gov/hac_documents/100317/East%20Buchanan%20Teleph_151.PDF).

<sup>17</sup> *Id.* East Buchanan's 2009 Report indicates that it offered the required number or percentage of handset models that met or exceeded the M3 rating between January 1, 2009 and May 30, 2009, and between December 1, 2009 and December 31, 2009.

<sup>18</sup> *Id.* East Buchanan's 2009 Report indicates that it offered the required number or percentage of handset models that met or exceeded the T3 rating between January 1, 2009 and May 30, 2009, and between December 1, 2009 and December 31, 2009.

5. The Wireless Telecommunications Bureau subsequently referred East Buchanan's apparent violation of the hearing aid-compatible handset requirements to the Enforcement Bureau for possible enforcement action.

### III. DISCUSSION

#### A. Failure to Comply with Hearing Aid-Compatible Handset Deployment Requirements.

6. According to its 2009 Report, East Buchanan failed to ensure that it offered to consumers the required number or percentage of wireless handsets that met or exceeded the M3 and T3 hearing aid compatibility ratings for six months during the 2009 reporting period. Specifically, only two of the five handset models offered by East Buchanan between June 1, 2009 and October 31, 2009, and only three of the seven handset models it offered between November 1, 2009 and November 30, 2009, met or exceeded the M3 rating. Section 20.19(c)(3)(ii) of the Rules requires non-Tier I digital wireless service providers like East Buchanan to ensure that between May 15, 2009 and May 14, 2010, for each air interface for which they offered handsets to consumers,<sup>19</sup> at least 50% of the handset models they offered, or at least nine handset models, met or exceeded the M3 rating for radio frequency interference.<sup>20</sup> Thus, East Buchanan was required to offer at least three M3-compliant handsets between June 1, 2009 and October 31, 2009, and four M3-compliant handsets from November 1, 2009 to November 30, 2009. Accordingly, we conclude that East Buchanan apparently willfully<sup>21</sup> and repeatedly<sup>22</sup> violated section 20.19(c)(3)(ii) of the Rules.

7. East Buchanan's 2009 Report also reflects that only one of the five handset models it offered between June 1, 2009 and October 31, 2009, and only one of the seven handset models it offered between November 1, 2009 and November 30, 2009, met or exceeded the T3 rating. Section 20.19(d)(3)(ii) of the Rules requires non-Tier I digital wireless service providers like East Buchanan to ensure that between May 15, 2009 and May 14, 2010, for each air interface for which they offered handsets to consumers, at least one-third of the handset models they offered, or at least five handset models, met or exceeded the T3 rating for inductive coupling.<sup>23</sup> Thus, East Buchanan was required to offer at least two T3-compliant handsets between June 1, 2009 and October 31, 2009, and at least three

<sup>19</sup> All of East Buchanan's handsets for the 2009 reporting period operated only over the GSM air interface.

<sup>20</sup> 47 C.F.R. § 20.19(c)(3)(ii).

<sup>21</sup> Section 312(f)(1) of the Act defines "willful" as "the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate" the law. 47 U.S.C. § 312(f)(1). The legislative history of section 312(f)(1) of the Act clarifies that this definition of willful applies to both sections 312 and 503(b) of the Act, H.R. Rep. No. 97-765, 97<sup>th</sup> Cong. 2d Sess. 51 (1982), and the Commission has so interpreted the term in the section 503(b) context. *See Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388 ¶ 5 (1991), *recon. denied*, 7 FCC Rcd 3454 (1992) ("*Southern California*"); *see also Telrite Corporation*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 7231, 7237 ¶ 12 (2008); *Regent USA*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 10520, 10523 ¶ 9 (2007); *San Jose Navigation, Inc.*, Forfeiture Order 22 FCC Rcd 1040, 1042 ¶ 9 (2007), *consent decree ordered*, Order and Consent Decree, 25 FCC Rcd 1494 (2010).

<sup>22</sup> Section 312(f)(2) of the Act, which also applies to forfeitures assessed pursuant to section 503(b) of the Act, provides that "[t]he term 'repeated,' ... means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day." 47 U.S.C. § 312(f)(2). *See Callais Cablevision, Inc.*, Notice of Apparent Liability for Forfeiture, 16 FCC Rcd 1359, 1362 (2001); *Southern California*, 6 FCC Rcd at 4388.

<sup>23</sup> 47 C.F.R. § 20.19(d)(3)(ii).

T3-compliant handsets between November 1, 2009 and November 30, 2009. Accordingly, we conclude that East Buchanan apparently willfully and repeatedly violated section 20.19(d)(3)(ii) of the Rules.

## B. Proposed Forfeiture

8. Under section 503(b)(1)(B) of the Act, any person who is determined by the Commission to have willfully or repeatedly failed to comply with any provision of the Act or any rule, regulation, or order issued by the Commission shall be liable to the United States for a forfeiture penalty.<sup>24</sup> To impose such a forfeiture penalty, the Commission must issue a notice of apparent liability and the person against whom such notice has been issued must have an opportunity to show, in writing, why no such forfeiture penalty should be imposed.<sup>25</sup> The Commission will then issue a forfeiture if it finds by a preponderance of the evidence that the person has violated the Act or a Commission rule.<sup>26</sup> We conclude under this standard that East Buchanan is apparently liable for forfeiture for its apparent willful and repeated violation of section 20.19(c)(3)(ii) of the Rules and its apparent willful and repeated violation of section 20.19(d)(3)(ii) of the Rules.

9. Section 503(b)(2)(B) of the Act<sup>27</sup> authorizes a forfeiture assessment against a common carrier of up to \$150,000 for each violation, or for each day of a continuing violation, up to a maximum of \$1,500,000 for a single act or failure to act. In exercising such authority, we are required to take into account “the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”<sup>28</sup>

10. In determining the appropriate forfeiture amount for violation of the hearing aid-compatible handset deployment requirements, we take into account that these requirements serve to ensure that consumers with hearing loss have access to digital wireless telecommunications services. In adopting the hearing aid compatibility rules, the Commission underscored the strong and immediate need for such access, stressing that individuals with hearing loss should not be denied the public safety and convenience benefits of digital wireless telephony.<sup>29</sup> Moreover, as the Commission has noted, the demand for hearing aid-compatible handsets is likely to increase with the growing reliance on wireless technology and with the increasing median age of our population.<sup>30</sup>

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<sup>24</sup> 47 U.S.C. § 503(b)(1)(B); 47 C.F.R. § 1.80(a)(1).

<sup>25</sup> 47 U.S.C. § 503(b); 47 C.F.R. § 1.80(f).

<sup>26</sup> See, e.g., *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591 (2002).

<sup>27</sup> 47 U.S.C. § 503(b)(2)(B). This amount is subject to further adjustment for inflation (*see id.* § 1.80(b)(5)), and the forfeiture amount applicable to any violation will be determined based on the statutory amount designated at the time of the violation. 47 C.F.R. § 1.80(b)(3).

<sup>28</sup> 47 U.S.C. § 503(b)(2)(E). See also 47 C.F.R. § 1.80(b)(4), Note to paragraph (b)(4): Section II. Adjustment Criteria for Section 503 Forfeitures.

<sup>29</sup> *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16755 ¶ 4.

<sup>30</sup> *Id.* at 16756 ¶ 5 (noting that approximately one in ten Americans, 28 million, have some level of hearing loss, that the proportion increases with age, and that the number of those affected will likely grow as the median age increases). See also *Report on the Status of Implementation of the Commission’s Hearing Aid Compatibility Requirements*, Report, 22 FCC Rcd 17709, 17719 ¶ 20 (2007) (noting, just four years later, that the number of individuals with hearing loss in the United States was “at an all time high of 31 million – with that number expected to reach approximately 40 million at the end of this decade”).

11. We have previously determined that violations of the hearing aid-compatible handset deployment requirements are serious in nature because failure to make compliant handsets available actually prevents hearing aid users from accessing digital wireless communications.<sup>31</sup> As such, we generally apply a base forfeiture amount of \$15,000 to reflect the gravity of these violations.<sup>32</sup> We have also applied the \$15,000 base forfeiture on a per handset basis (*i.e.*, for each handset model below the minimum number of hearing aid-compatible models required by the rules).<sup>33</sup>

12. The record establishes that East Buchanan was out of compliance with the handset deployment requirements for both reduced RF interference and inductive coupling capability for six months (between June 1, 2009 and November 30, 2009) during the 2009 reporting period. Thus, East Buchanan did not satisfy the requirement that non-Tier I service providers ensure that at least 50% of the handset models that they offered (or nine models) met or exceeded the M3 rating. Accordingly, because East Buchanan missed the required number of M3-rated handsets by one handset throughout this period, it is apparently liable for a forfeiture of \$15,000 for failing to offer to consumers the required number or percentage of acoustic coupling-compatible handset models in willful and repeated violation of section 20.19(c)(3)(ii) of the Rules.

13. As noted above, East Buchanan also failed to comply with the requirement that non-Tier I service providers ensure that at least one-third of the handset models that they offered (or three models) met or exceeded the T3 rating. Accordingly, because East Buchanan missed the required number of T3-rated handsets by up to two handsets during this period, it is apparently liable for a forfeiture of \$30,000 for failing to offer to consumers the required number or percentage of inductive coupling-capable handset models in willful and repeated violation of section 20.19(d)(3)(ii) of the Rules.

14. We therefore find that East Buchanan is apparently liable for a total forfeiture of \$45,000 for apparently willfully and repeatedly failing to comply with the hearing aid-compatible handset deployment requirements set forth in section 20.19(c)(3)(ii) and (d)(3)(ii) of the Rules.

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<sup>31</sup> Compare, *e.g.*, *South Central Utah Telephone Association, Inc.*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 19251, 19255-56 ¶ 10 (Enf. Bur., Spectrum Enf. Div. 2007), *response pending*; *Pine Telephone Company, Inc.*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 9205, 9210 ¶ 11 (Enf. Bur., Spectrum Enf. Div. 2007), *consent decree ordered*, Order and Consent Decree, 23 FCC Rcd 4485 (Enf. Bur. 2008). In contrast to handset deployment requirement violations, we have found that a violation of the labeling requirements (while serious because it prevents hearing aid users from making informed choices) is less egregious than a violation of the deployment requirements. In the past, a base forfeiture amount of \$8,000 has applied to violations of the labeling requirements for wireless hearing aid-compatible handsets.

<sup>32</sup> See, *e.g.*, *SLO Cellular, Inc.*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 3990, 3996-97 ¶ 14 (Enf. Bur. 2008), *response pending*; *NEP Cellcorp, Inc.*, Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 8, 13 ¶ 11 (Enf. Bur., Spectrum Enf. Div. 2009); *Corr Wireless Communications, LLC*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 11567, 11571 ¶ 11 (Enf. Bur., Spectrum Enf. Div. 2008), *response pending*; *Blanca Telephone Company*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 9398, 9403 ¶ 12 (Enf. Bur., Spectrum Enf. Div. 2008), *response pending*; *Pinpoint Wireless, Inc.*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 9290, 9295 ¶ 11 (Enf. Bur., Spectrum Enf. Div. 2008); *Iowa Wireless Services, LLC d/b/a i Wireless*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 4735, 4739 ¶ 12 (Enf. Bur., Spectrum Enf. Div. 2008); *South Slope Cooperative Telephone Company d/b/a South Slope Wireless*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 4706, 4711-12 ¶ 12 (Enf. Bur., Spectrum Enf. Div. 2008), *response pending*.

<sup>33</sup> *Id.*

#### IV. ORDERING CLAUSES

15. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Act, and section 1.80 of the Rules, East Buchanan Telephone Cooperative **IS NOTIFIED** of its **APPARENT LIABILITY FOR A FORFEITURE** in the amount of forty-five thousand dollars (\$45,000) for willful and repeated violation of sections 20.19(c)(3)(ii) and 20.19(d)(3)(ii) of the Rules.

16. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Rules, within thirty days of the release date of this Notice of Apparent Liability for Forfeiture, East Buchanan Telephone Cooperative **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

17. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Account Number and FRN referenced above. 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 NAL/Account Number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: [arinquiries@fcc.gov](mailto:arinquiries@fcc.gov) with any questions regarding payment procedures. East Buchanan Telephone Cooperative must also send electronic notification on the date said payment is made to Ricardo Durham at [Ricardo.Durham@fcc.gov](mailto:Ricardo.Durham@fcc.gov) and to Kathy Harvey at [Kathy.Harvey@fcc.gov](mailto:Kathy.Harvey@fcc.gov).

18. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to sections 1.80(f)(3) and 1.16 of the Rules. The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, ATTN: Enforcement Bureau – Spectrum Enforcement Division, and must include the NAL/Acct. Number referenced in the caption. The statement must also be emailed to Ricardo Durham at [Ricardo.Durham@fcc.gov](mailto:Ricardo.Durham@fcc.gov) and to Kathy Harvey at [Kathy.Harvey@fcc.gov](mailto:Kathy.Harvey@fcc.gov).

19. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

20. **IT IS FURTHER ORDERED** that a copy of this *Notice of Apparent Liability for Forfeiture* shall be sent by first class mail and certified mail return receipt requested to East Buchanan Telephone Cooperative, 214 Third Street North, Winthrop, IA 50682, and to its counsel, D. Cary Mitchell, Esq., Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP, 2120 L Street, NW, Suite 300, Washington, DC 20037.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison  
Chief, Enforcement Bureau