

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

In the Matter of)	
)	
OK-5 Licensee Co., LLC)	File No.: EB-SED-13-00009169 ¹
)	NAL/Acct. No.: 201032100041
)	FRN: 0017697053
)	
Oklahoma Independent RSA 5 Partnership)	File No.: EB-SED-13-00009172 ²
)	NAL/Acct. No.: 201032100039
)	FRN: 0010698959
)	
TX-10 Licensee Co., LLC)	File No.: EB-SED-13-00009174 ³
dba Cellular One)	NAL/Acct. No.: 201032100040
)	FRN: 0017697038

ORDER

Adopted: October 27, 2014

Released: October 27, 2014

By the Chief, Enforcement Bureau:

1. We find that no forfeiture penalty should be imposed on OK-5 Licensee Co., LLC; on Oklahoma Independent RSA 5 Partnership; or on TX-10 Licensee Co., LLC dba Cellular One (collectively, the OK-TX Carriers) for previously identified apparent noncompliance with the Commission’s hearing aid-compatible handset deployment rules. The Commission adopted the hearing aid compatibility rules to enhance the ability of consumers with hearing loss to access digital wireless telecommunications. On August 30, 2010, the Enforcement Bureau (Bureau) issued Notices of Apparent Liability for Forfeiture (*NALs*) to the OK-TX Carriers proposing a \$15,000 penalty against each entity for apparently failing to offer to consumers the requisite number of hearing aid-compatible handsets during the 2009 reporting period.⁴ The findings of apparent violation were based on the hearing aid compatibility status reports filed by the OK-TX Carriers on January 14, 2010. In each of the *NALs*, the Bureau provided the OK-TX Carriers an opportunity to show, in writing, why either no forfeiture or a lower forfeiture should be imposed for the apparent violations. On September 29, 2010, the OK-TX Carriers collectively filed a single response to the *NALs*, explaining that they are affiliated companies

¹ The investigation initiated under File No. EB-10-SE-101 was subsequently assigned File No. EB-SED-13-00009169. Any future correspondence with the Commission concerning this matter should refer to the new case number.

² The investigation initiated under File No. EB-10-SE-102 was subsequently assigned File No. EB-SED-13-00009172. Any future correspondence with the Commission concerning this matter should refer to the new case number.

³ The investigation initiated under File No. EB-10-SE-103 was subsequently assigned File No. EB-SED-13-00009174. Any future correspondence with the Commission concerning this matter should refer to the new case number.

⁴ See *OK-5 Licensee Co., LLC*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 12610 (Enf. Bur. 2010); *Oklahoma Independent RSA 5 Partnership*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 12589 (Enf. Bur. 2010); *TX-10 Licensee, LLC dba Cellular One*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 12602 (Enf. Bur. 2010); see also 47 C.F.R. § 20.19(c)(3)(ii). The *NALs* include a more complete recitation of the facts of each case and are incorporated herein by reference.

under common ownership, management, and control, and that they are operated as a single unit.⁵ As such, and for administrative efficiency, we are consolidating our resolution of these cases into a single proceeding. The OK-TX Carriers assert, under penalty of perjury, that each carrier was in compliance with the Commission's handset deployment requirements throughout the 2009 reporting period because three Motorola handset models that each offered from April 2009 until the end of that year were incorrectly reported as a single handset model on each entity's 2009 hearing aid compatibility status report.⁶

2. Based on our review of the record, including the OK-TX Carriers' NAL Response, we find that the OK-TX Carriers apparently each complied with the hearing aid-compatible handset deployment requirements during the 2009 reporting period.⁷ Thus, we find that no forfeiture penalty should be imposed against the OK-TX Carriers for violation of Section 20.19(c)(3)(ii) of the Commission's rules.⁸

3. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) and 504(b) of the Communications Act of 1934, as amended,⁹ and Sections 0.111, 0.311, and 1.80 of the Commission's rules,¹⁰ the proposed forfeitures in the *NALs* issued to OK-5 Licensee Co., LLC; Oklahoma Independent RSA 5 Partnership; and TX-10 Licensee, LLC dba Cellular One on August 30, 2010, **WILL NOT BE IMPOSED**.

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 each of the captioned entities and their respective counsel of record.

FEDERAL COMMUNICATIONS COMMISSION

Travis LeBlanc
Chief
Enforcement Bureau

⁵ See TX-10 Licensee Co., LLC, OK-5 Licensee Co., LLC and Oklahoma Independent RSA 5 Partnership's Response to Omnibus Notice of Apparent Liability for Forfeiture (Sept. 29, 2010) (on file in EB-SED-13-00009169, EB-SED-13-00009172, and EB-SED-13-00009174) (NAL Response). On April 20, 2012, the Commission approved the assignment of the wireless licenses of OK-5 Licensee Co., LLC and Oklahoma Independent RSA 5 Partnership to Cellular Network Partnership, an Oklahoma Limited Partnership. See FCC File Nos. 0005164626, 0005163705.

⁶ See NAL Response, *supra* note 5.

⁷ We remind all service providers and manufacturers of digital wireless handsets that they must accurately report their handset model offerings in their annual hearing aid compatibility status reports. 47 C.F.R. § 20.19(i). Inaccurate or incomplete reports hamper the Commission's ability to monitor the deployment of hearing aid-compatible handsets and impede compliance with the hearing aid compatibility rules. The Commission will consider taking separate enforcement action to address the filing of inaccurate or incomplete reports if this problem persists.

⁸ 47 C.F.R. § 20.19(c)(3)(ii) (2009).

⁹ 47 U.S.C. §§ 154(i), 504(b).

¹⁰ 47 C.F.R. §§ 0.111, 0.311, 1.80.