**Before the**

Federal Communications Commission

Washington, D.C. 20554

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| In the Matter of  Certain Notices of Apparent Liability for  Forfeiture Issued for Violations of  47 C.F.R. § 20.19(c)–(d) | **)**  **)**  **)**  **)**  **)**  **)**  **)** | File No.: See Appendix  NAL/Acct. No.: See Appendix  FRN: See Appendix |

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 the ten wireless service providers identified in the Appendix of this Order (collectively, the Wireless Providers) 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. In 2011, the Enforcement Bureau (Bureau) issued Notices of Apparent Liability for Forfeiture (*NALs*) to the Wireless Providers proposing penalties for their apparent failure to offer to consumers the requisite number of hearing aid-compatible digital wireless handset models during the 2010 reporting period.[[1]](#footnote-2) The findings of apparent violation were based on the hearing aid compatibility status reports that the Wireless Providers filed with the Commission in January 2011. In each of the *NALs*, the Bureau provided the Wireless Provider an opportunity to show, in writing, why either no forfeiture or a lower forfeiture should be imposed for the apparent violations. Each Wireless Provider filed a response to the respective *NAL* and averred that its documentation demonstrates that it complied with the hearing aid-compatible handset deployment requirements in 2010. The Wireless Providers’ responses are each supported with a declaration made under penalty of perjury or other appropriate verification.
2. Based on our review of the record, including the Wireless Providers’ responses to the *NALs*,we find that the Wireless Providers apparently each complied with the hearing aid-compatible handset deployment requirements during the 2010 reporting period.[[2]](#footnote-3) Thus, we find that no forfeiture penalty should be imposed against the Wireless Providers for violation of Section 20.19(c)–(d) of the Commission’s rules.[[3]](#footnote-4)
3. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) and 504(b) of the Communications Act of 1934, as amended,[[4]](#footnote-5) and Sections 0.111, 0.311, and 1.80 of the Commission’s rules,[[5]](#footnote-6) the proposed forfeitures in the*NALs*issued to the entities identified in the Appendix of this Order**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 Wireless Providers identified in the Appendix to this Orderand to each Wireless Provider’s representative of record.

FEDERAL COMMUNICATIONS COMMISSION

Travis LeBlanc

Chief

Enforcement Bureau

**APPENDIX**

**NOTICES OF APPARENT LIABILITY**

| **Captioned Service Provider** | **File Number** | **NAL Account Number and Date Issued** | **FRN** |
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| Toney Turnley  Chief Executive Officer  Kaplan Telephone Company, Inc. dba  Pace Communications  118 North Irving Avenue  P.O. Box 369  Kaplan, LA 70548  Kenneth C. Johnson, Esq.  Bennet & Bennet PLLC  6124 MacArthur Boulevard  Bethesda, MD 20816 | EB-SED-13-00009442 (formerly File No.:  EB-11-SE-052) | 201132100036  Sept. 28, 2011 | 0001714146 |
| Robert Martin  Chief Executive Officer  Limitless Mobile LLC (formerly known as  Keystone Wireless, LLC dba  Immix Wireless)  27599 Riverview Center Blvd.  Suite 201  Bonita Springs, FL 34134  Michael Bennet, Esq.  Bennet & Bennet, PLLC  6124 MacArthur Boulevard  Bethesda, MD 20816 | EB-SED-13-00009574 (formerly File No.:  EB-11-SE-053) | 201232100001  Oct. 28, 2011 | 0019600535 |
| James Simon  Chief Executive Officer  Missouri RSA 5 Partnership dba  Chariton Valley Wireless Services  P.O. Box 67  Macon, Missouri 63552  Gregory W. Whiteaker, Esq.  Donald L. Herman, Jr., Esq.  Herman & Whiteaker LLC  1875 I Street, N.W.  5th Floor  Washington, DC 20006 | EB-SED-13-00008832 (formerly File No.:  EB-11-SE-057) | 201232100002  Oct. 28, 2011 | 002535532 |
| Joel Leonard  Chief Executive Officer  Affordable Phone Services, Inc.  4352 SE 95th Street  Ocala, FL 34480  John J. Heitmann, Esq.  Joshua T. Guyan, Esq.  Kelley Drye & Warren LLP  3050 K Street, N.W., Suite 400  Washington, DC 20007 | EB-SED-13-00009177 (formerly File No.: EB-11-SE-044) | 201232100008  Dec. 23, 2011 | 0017950569 |
| Darrell Seaba  Chief Executive Officer  North Central Wireless LC dba  i wireless  536 N. Main Street  P.O. Box 67  Goldfield, IA 50542  Stephen E. Coran, Esq.  Lerman Senter PLLC  2000 K Street, N.W., Suite 600  Washington, DC 20006 | EB-SED-13-00008847 (formerly File No.:  EB-11-SE-059) | 201232100009  Dec. 23, 2011 | 0005665310 |
| Richard Stupansky Jr.  Chief Executive Officer  iSmart Mobile, LLC dba  Big Sky Mobile  23500 Mercantile Road  Suite B  Beachwood, OH 44122  Thomas F. Bardo, Esq.  Nelson Mullins Riley & Scarborough LLP  101 Constitution Avenue, N.W.  Suite 900  Washington, DC 20036 | EB-SED-13-00009484 (formerly File No.:  EB-11-SE-050) | 201232100012  Dec. 23, 2011 | 0019107051 |
| Centennial Communications Corporation, wholly-owned subsidiary of AT&T, Inc.  Robert Vitanza  General Attorney  AT&T Services, Inc.  208 S. Akard Street, Rm. 3110  Dallas, TX 75202 | EB-SED-13-00009492 (formerly File No.:  EB-11-SE-047) | 201232100013  Dec. 29, 2011 | 0009631136 |
| Marshall Aronow  Chief Executive Officer  Metropolitan Telecommunications  Holding Company dba MetTel  55 Water Street, 32nd Floor  New York, NY 10041  Linda G. McReynolds, Esq.  Marashlian & Donahue, LLC  1420 Springhill Road, Suite 401  McLean, VA 22102 | EB-SED-13-00009472 (formerly File No.:  EB-11-SE-056) | 201232100015  Dec. 29, 2011 | 0009806019 |
| Steven Tourje  Chief Executive Officer  NEP Cellcorp, Inc.  720 Main Street  P.O. Box D  Forest City, PA 18421  Kenneth C. Johnson, Esq.  Bennet & Bennet PLLC  6124 MacArthur Boulevard  Bethesda, MD 20816 | EB-SED-13-00008843  (formerly File No.:  EB-11-SE-058) | 201232100016  Dec. 28, 2011 | 0014802284 |
| Carl Koehn Jr.  Chief Executive Officer  Maximum Communications Cellular, LLC  3717 23rd Street South  Suite 201  St. Cloud, MN 56301 | EB-SED-13-00011331  (formerly File No.:  EB-11-SE-055) | 201232100018  Dec. 28, 2011 | 0019130319 |

1. The Appendix identifies the *NALs*; they include a more complete recitation of the facts of each case and are incorporated herein by reference. [↑](#footnote-ref-2)
2. 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. [↑](#footnote-ref-3)
3. 47 C.F.R. § 20.19(c)–(d) (2010). [↑](#footnote-ref-4)
4. 47 U.S.C. §§ 154(i), 504(b). [↑](#footnote-ref-5)
5. 47 C.F.R. §§ 0.111, 0.311, 1.80. [↑](#footnote-ref-6)