**Before the**

Federal Communications Commission

Washington, D.C. 20554

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| In the Matter ofCertain Notices of Apparent Liability forForfeiture Issued for Violations of 47 C.F.R. § 20.19(c)–(d)  | **)****)****)****)****)****)****)** | File No.: See AppendixNAL/Acct. No.: See AppendixFRN: 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 OfficerKaplan Telephone Company, Inc. dbaPace Communications118 North Irving AvenueP.O. Box 369Kaplan, 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) | 201132100036Sept. 28, 2011 | 0001714146 |
| Robert MartinChief Executive OfficerLimitless Mobile LLC (formerly known as Keystone Wireless, LLC dba Immix Wireless)27599 Riverview Center Blvd.Suite 201Bonita Springs, FL 34134 Michael Bennet, Esq.Bennet & Bennet, PLLC6124 MacArthur BoulevardBethesda, MD 20816 | EB-SED-13-00009574 (formerly File No.:EB-11-SE-053) | 201232100001Oct. 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)  | 201232100002Oct. 28, 2011 | 002535532 |
| Joel LeonardChief Executive OfficerAffordable Phone Services, Inc.4352 SE 95th StreetOcala, FL 34480John 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) |  201232100008Dec. 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) | 201232100009Dec. 23, 2011 | 0005665310 |
| Richard Stupansky Jr.Chief Executive OfficeriSmart Mobile, LLC dbaBig Sky Mobile23500 Mercantile RoadSuite BBeachwood, OH 44122Thomas F. Bardo, Esq.Nelson Mullins Riley & Scarborough LLP101 Constitution Avenue, N.W.Suite 900 Washington, DC 20036 | EB-SED-13-00009484 (formerly File No.:EB-11-SE-050) | 201232100012Dec. 23, 2011 | 0019107051 |
| Centennial Communications Corporation, wholly-owned subsidiary of AT&T, Inc.Robert VitanzaGeneral AttorneyAT&T Services, Inc.208 S. Akard Street, Rm. 3110Dallas, TX 75202  | EB-SED-13-00009492 (formerly File No.:EB-11-SE-047) | 201232100013Dec. 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) | 201232100015Dec. 29, 2011 | 0009806019 |
|  Steven TourjeChief Executive Officer NEP Cellcorp, Inc.720 Main StreetP.O. Box DForest 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) | 201232100016Dec. 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) | 201232100018Dec. 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)