

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

In the Matter of)
Sandhill Communications, LLC¹) File No.: EB-SED-13-00009304²
) NAL/Acct. No.: 201132100017
) FRN: 0001886464

ORDER

Adopted: December 18, 2014

Released: December 18, 2014

By the Chief, Enforcement Bureau:

1. Based on information received in response to our proposed enforcement action, we find that no forfeiture penalty should be imposed on Sandhill Communications, LLC (Sandhill) for previously identified apparent noncompliance with the Commission’s hearing aid-compatible handset deployment rules. We remind Sandhill and all our regulatees of their duty to provide complete and accurate information in all their submissions to the Commission.

2. The Commission adopted the hearing aid compatibility rules to enhance the ability of consumers with hearing loss to access digital wireless telecommunications. On December 30, 2010, the Enforcement Bureau (Bureau) issued a Notice of Apparent Liability for Forfeiture to Sandhill proposing a \$15,000 penalty for apparently failing to offer to consumers the requisite number of hearing aid-compatible handsets during August and December of the 2009 reporting period.³ The finding of apparent violations was based on the hearing aid compatibility status report filed by Sandhill on January 6, 2010 (2009 Report), and the company’s response to the Bureau’s Letter of Inquiry⁴ concerning the 2009 Report.⁵

3. In its response to the NAL, Sandhill now asserts, under penalty of perjury, that the company was in compliance with the Commission’s hearing aid-compatible handset deployment requirements throughout the 2009 reporting period.⁶ Sandhill states that, based on a comprehensive

¹ The underlying Notice of Apparent Liability for Forfeiture, infra note 3, was issued to Sandhill Communications, as that name was listed on the company’s 2010 Hearing Aid Compatibility Status Reports and its response to the Enforcement Bureau’s Letter of Inquiry. The NAL response, infra note 6, however, is filed by Sandhill Communications, LLC.

² The investigation was initiated under EB-10-SE-119 and subsequently assigned File No. EB-SED-13-00009304. Any future correspondence with the Commission concerning this matter should refer to the new case number.

³ See Sandhill Communications, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 17762 (Enf. Bur. 2010) (NAL). The NAL includes a more complete recitation of the facts of this case and is incorporated herein by reference.

⁴ See Letter from Kathryn S. Berthot, Chief, Spectrum Enforcement Division, FCC Enforcement Bureau, to Ms. Jeanne K. Oliver, Sales Supervisor, Sandhill Communications (Sept. 23, 2010) (on file in EB-SED-13-00009304).

⁵ See Letter from Ms. Jeanne K. Oliver, Sales Supervisor, Sandhill Communications, to Kathryn S. Berthot, Chief, Spectrum Enforcement Division, FCC Enforcement Bureau (Oct. 13, 2010) (on file in EB-SED-13-00009304).

⁶ Response to Notice of Apparent Liability for Forfeiture, at 2–3 (Sept. 30, 2014) (on file in EB-SED-13-00009304) (NAL Response).

review of its offerings for the 2009 reporting period, it mistakenly listed in the 2009 Report only the handset models displayed in its stores and not all of the handsets offered by Sandhill as an AT&T reseller, thus underreporting the number of hearing aid-compatible handset models offered to consumers throughout the 2009 reporting period.⁷

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

5. 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.⁹ 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.¹⁰

6. Accordingly, **IT IS ORDERED** that, pursuant to Sections 4(i) and 504(b) of the Communications Act of 1934, as amended,¹¹ and Sections 0.111, 0.311, and 1.80 of the Commission's rules,¹² the proposed forfeitures in the *NAL* issued to Sandhill on December 30, 2010, **WILL NOT BE IMPOSED**.

7. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by first class mail and certified mail, return receipt requested, to Lee Chambers, CEO/Manager, Sandhill Communications LLC, 122 S. Main Street, Jefferson, South Carolina 29718, and to Donald L. Herman, Jr., Esq., Herman & Whiteaker, LLC, Counsel to Sandhill Communications, 3204 Tower Oaks Blvd., Suite 180, Rockville, Maryland 20852.

FEDERAL COMMUNICATIONS COMMISSION

Travis LeBlanc
Chief
Enforcement Bureau

⁷ See *id.* at 2.

⁸ 47 C.F.R. § 20.19(c)(3)(ii) (2009).

⁹ 47 C.F.R. § 20.19(i).

¹⁰ *Syntax-Brilliant Corp.*, Forfeiture Order and Notice of Apparent Liability for Forfeiture, 23 FCC Rcd. 6323 (2008) (determination of an apparent violation of Section 1.17(a)(2) for providing incorrect or misleading material factual information without a reasonable basis for believing the information was correct and not misleading).

¹¹ 47 U.S.C. §§ 154(i), 504(b).

¹² 47 C.F.R. §§ 0.111, 0.311, 1.80.