

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

In the Matter of)	File No.: EB-SED-14-00016210 ¹
)	
The Hinton Telephone Company)	NAL/Acct. No.: 201432100027
of Hinton, Oklahoma, Inc.,)	
d/b/a Hinton Telephone Company)	FRN: 0004365334

MEMORANDUM OPINION AND ORDER

Adopted: October 27, 2015

Released: October 27, 2015

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. We deny the Petition for Reconsideration (Petition) filed by The Hinton Telephone Company of Hinton, Oklahoma, Inc. (Hinton) seeking reconsideration of the *Forfeiture Order* issued by the Enforcement Bureau (Bureau). In the *Forfeiture Order*, the Bureau imposed a forfeiture of \$100,000 against Hinton for failing to use reasonable judgment when, for a three-month period, it knowingly routed 911 calls to an automated operator message that instructed 911 callers to “hang up and dial 911.” Hinton’s actions created a significant threat to the life and property of Caddo County, Oklahoma residents, undermining one of the bedrock principles of the Communications Act and the Commission’s rules – that reliable 911 service must be available to all Americans at all times.

2. Upon review of the Petition and the entire record, we dismiss the Petition in part on procedural grounds and otherwise deny the Petition on the merits, pursuant to Section 1.106 of the Commission’s rules.² Reconsideration is appropriate when the petitioner either demonstrates a material error or omission in the underlying order or raises additional arguments based on facts not known or not existing until after the petitioner’s last opportunity to present such matters.³ With respect to such additional arguments, reconsideration will also be appropriate if the Commission determines that the public interest requires their consideration.⁴ Hinton raises three new arguments that it could have raised earlier, and we therefore dismiss the Petition on procedural grounds to the extent that it relies on those arguments. We also reject Hinton’s one procedurally acceptable new argument on the merits. Moreover, as a separate and independent basis for our decision, we find that, if we were to consider Hinton’s three procedurally unacceptable new arguments further, we would also reject them on their merits. Finally, we reject on the merits those arguments that the Bureau considered and rejected in the *Forfeiture Order*, and which Hinton repeats in its Petition. As a result, we uphold the Bureau’s findings in the *Forfeiture Order* and affirm the \$100,000 penalty imposed against Hinton for its violations of the Commission’s 911 rules.

¹ The investigation initiated under File No. EB-SED-13-00010169 was subsequently assigned File No. EB-SED-14-00016210. Any future correspondence with the FCC concerning this matter should reflect the new case number.

² 47 C.F.R. § 1.106.

³ See *EZ Sacramento, Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 18257, 18257, para. 2 (Enf. Bur. 2000) (citing *WWIZ, Inc.*, Memorandum Opinion and Order, 37 FCC 685, 686 (1964), *aff’d sub. nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 383 U.S. 967 (1966)); see also *Ely Radio, LLC*, Memorandum Opinion and Order, 27 FCC Rcd 7608, 7610, para. 6 (Enf. Bur. 2012) (articulating the standard of review for Petitions for Reconsideration).

⁴ 47 C.F.R. § 1.106(c)(2).

II. BACKGROUND

3. On March 18, 2015, the Bureau issued the *Forfeiture Order* imposing a \$100,000 penalty against Hinton for willfully and repeatedly violating Sections 64.3001 and 64.3002(d) of the Commission's rules by failing to use reasonable judgment when it knowingly routed 911 calls to an automated operator message.⁵ Section 64.3001 of the Commission's rules requires telecommunications carriers to transmit all 911 calls to a Public Safety Answering Point (PSAP), to a designated statewide default answering point, or to an appropriate local emergency authority as set forth in Section 64.3002.⁶ Section 64.3002(d) of the Commission's rules provides that "[w]here no PSAP nor statewide default answering point has been designated, and no appropriate local emergency authority has been selected by an authorized state or local entity, telecommunications carriers shall identify an appropriate local emergency authority, based on the exercise of reasonable judgment, and complete all translation and routing necessary to deliver 911 calls to such appropriate local emergency authority no later than September 11, 2002."⁷

4. On April 17, 2015, Hinton filed the Petition requesting that the *Forfeiture Order* be reconsidered and vacated, and the \$100,000 penalty rescinded.⁸ The Petition reiterates arguments previously considered and rejected by the Bureau that Hinton exercised reasonable judgment in routing 911 calls to the automated operator⁹ and that its purported record of compliance with the Commission's rules and provision of 911 and E911 services to other counties in Oklahoma warranted forfeiture cancellation.¹⁰ In addition, Hinton's Petition presents four new arguments for our consideration: (i) that the Commission erred in ignoring the applicability of Section 64.3002(e) of the Commission's rules, which Hinton claims effectively provided it with a nine-month suspension of its Section 64.3002(d) requirement to use reasonable judgment to identify an appropriate local emergency authority and complete translation and routing of emergency calls to such authority,¹¹ (ii) that the Commission improperly exercised jurisdiction over intrastate 911 calls;¹² (iii) that Hinton's actions were reasonable because they were consistent with Section 64.3003 of the Commission's rules;¹³ and (iv) that the Bureau exaggerated the significance of Hinton's 1991 violation of Commission rules in failing to consider Hinton's history of rule compliance as a mitigating factor.¹⁴

III. DISCUSSION

A. The Petition Raises New Arguments that Hinton Could Have Raised Earlier

5. Under Section 1.106(c) of the Commission's rules, a petition for reconsideration that relies on facts or arguments not previously presented to the designated authority may be granted only if (i)

⁵ *The Hinton Tel. Co. of Hinton, Okla., Inc.*, Forfeiture Order, 30 FCC Rcd 2308, 2312, para. 14 (Enf. Bur. 2014) (*Forfeiture Order*), *aff'g* Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 9228 (Enf. Bur. 2014) (*NAL*); 47 C.F.R. §§ 64.3001, 64.3002(d). The *Forfeiture Order* and *NAL* include a more complete discussion of the facts and history of this case and are incorporated herein by this reference.

⁶ 47 C.F.R. § 64.3001.

⁷ 47 C.F.R. § 64.3002(d).

⁸ *The Hinton Tel. Co. of Hinton, Okla., Inc.*, Petition for Reconsideration (Apr. 17, 2015) (on file in EB-SED-14-00016210 (Petition)).

⁹ Petition at 3–5.

¹⁰ *Id.* at 6–7.

¹¹ *Id.* at 2–3.

¹² *Id.* at 5–6.

¹³ *Id.* at 4–5. *See* 47 C.F.R. § 64.3003.

¹⁴ *Id.* at 7–8.

the facts or arguments relate to events that have occurred or circumstances that have changed since the petitioner's last opportunity to present such matters; (ii) the facts or arguments were unknown to the petitioner, and could not have been known by the petitioner through the exercise of ordinary diligence, until after the petitioner's last opportunity to present such matters; or (iii) the Commission determines that consideration of such facts or arguments is required in the public interest.¹⁵ Three of Hinton's four new arguments fail to meet any prong of this test: (i) the applicability of Section 64.3002(e) of the Commission's rules, (ii) that the Commission improperly exercised jurisdiction over intrastate 911 calls, and (iii) that Hinton's operations were consistent with Section 64.3003 of the Commission's rules. Each of these arguments could have been made at the previous stage of the proceeding. Moreover, Hinton has not presented any public interest justification for considering them now, and we see no basis upon which to conclude that the public interest requires such consideration. We therefore dismiss these arguments on procedural grounds, pursuant to Section 1.106(c) of the Commission's rules.¹⁶

B. The Petitioner's Newly Presented Arguments Provide No Basis for Reconsideration of the Forfeiture Order on the Merits

6. For the reasons discussed below, we reject Hinton's one procedurally acceptable new argument on the merits. Moreover, as a separate and independent basis for our decision above to dismiss Hinton's three procedurally unacceptable new arguments, we find that, if we were to consider those arguments further, we would also reject them on their merits.

1. The Bureau Did Not Exaggerate the Significance of Hinton's 1991 Violation of Commission Rules in Considering Hinton's History of Rule Compliance as a Mitigating Factor

7. Hinton's only procedurally acceptable new argument is that the *Forfeiture Order* "erred by characterizing and denigrating Hinton's record of regulatory compliance as 'not spotless' due to an innocent oversight that took place over 23 years ago, and was self-reported" and accordingly the Bureau should not have considered this minor oversight as a factor in determining whether forfeiture mitigation was warranted.¹⁷ While Hinton's record of regulatory compliance over the past 23 years has been commendable, the *Forfeiture Order*'s characterization of that record is accurate.¹⁸ Under the rules, the Bureau is required to take into consideration a number of factors in determining the amount of a penalty, including the extent and gravity of the current violation.¹⁹ The *Forfeiture Order* clearly indicated that Hinton's prior violation was not the only factor that militated against mitigation, stating that Hinton's "successful provision of 911 and E911 services ... does not excuse or mitigate its failure over an extended period of time to use reasonable judgment in routing 911 calls in Caddo County."²⁰ Prior requests for downward adjustments for compliance have been deemed inappropriate where the nature and extent of the violation was significant, as here.²¹ Also, Hinton has previously enjoyed a downward adjustment for

¹⁵ See 47 C.F.R. § 1.106(c).

¹⁶ See, e.g., *Hannspree N. Am., Inc.*, Memorandum Opinion and Order, 27 FCC Rcd 7968 (Enf. Bur. 2012) (finding petitioner failed to demonstrate that its new arguments related to changed circumstances or previously unknown facts); *Leetek Am., Inc.*, Memorandum Opinion and Order, 27 FCC Rcd 13487 (Enf. Bur. 2012) (same).

¹⁷ Petition at 7.

¹⁸ *Forfeiture Order*, 30 FCC Rcd at 2311, n.29 (citing Hinton's prior violation).

¹⁹ 47 C.F.R. § 1.80(b)(8).

²⁰ *Forfeiture Order*, 30 FCC Rcd at 2311, para. 10.

²¹ See, e.g., *Side by Side, Inc. Toledo, Ohio*, Memorandum Opinion and Order, 27 FCC Rcd 11132, 11136, para. 8 (Enf. Bur. 2012) (noting that the number, duration, and nature of violations weighed against a reduction for history of compliance); *Application of Adelante Media of California License, LLC for Renewal of License for Station KBAA(FM) Grass Valley, California*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 16896, 16897, para. 7 (Media Bur. 2013) (finding a downward adjustment for a history of

(continued...)

its history of compliance,²² and particularly given the nature of the violations at issue in this case, repeated downward adjustments for further violations is inappropriate. Accordingly, we find that upon consideration of all the factors in this case, the *Forfeiture Order* correctly concluded that Hinton's record of compliance did not warrant a downward adjustment, and that this new argument provides no basis for reconsideration.

2. Hinton Was Required to Deliver 911 Calls to an Appropriate Emergency Authority under Section 64.3002(d) of the Commission's Rules

8. Hinton also seeks cancellation of the forfeiture, claiming that the 911 call translation and routing obligations of Section 64.3002(d) of the Commission's rules would only apply to it in the absence of a designated PSAP.²³ Hinton argues that because Caddo County designated a PSAP in December 2012, instead of its being subject to Section 64.3002(d), it was subject only to Section 64.3002(e), which states that "[o]nce a PSAP is designated for an area where none had existed as of December 11, 2001, telecommunications carriers shall complete the translation and routing necessary to deliver 911 calls to that PSAP within nine months of that designation."²⁴ Hinton contends that Section 64.3002(e) provided it with a nine-month period to complete the translation and routing necessary to deliver 911 calls to the Caddo County PSAP without regard to any standard of reasonable conduct during that period.²⁵

9. We find no merit to this argument. Hinton's interpretation of the Commission's rules would effectively provide telecommunications carriers an automatic nine-month suspension of the requirement in Section 64.3002(d) to use reasonable judgment to identify an appropriate local emergency authority and complete translation and routing of emergency calls to such authority as of the date a PSAP is designated to receive 911 calls. Instead, Hinton's interpretation appears to be that during this nine-month period no requirement would apply at all. We disagree. Section 64.3002 needs to be read in conjunction with Section 64.3001 which imposes a sweeping, affirmative obligation on carriers such as Hinton to route all 911 calls to "a PSAP, to a designated statewide default answering point, or to an appropriate local emergency authority as set forth in § 64.3002."²⁶ Section 64.3002, on the other hand, establishes rules for the transition to 911 as the universal emergency telephone number, by setting out deadlines by which the carrier must "complete all translation and routing necessary" to deliver 911 calls to the PSAP or, in the absence of a PSAP, to a set of prioritized alternatives that turn on what alternative the area in question offers.²⁷ In other words, Section 64.3001 establishes the 911 transmission requirement while Section 64.3002 sets forth the methods that carriers can use to meet the requirement in Section 64.3001, establishes a hierarchy among those methods, and governs carriers' transition from one method to the next.

10. Moreover, Hinton's interpretation also contravenes the plain meaning of Section 64.3002.²⁸ Subsections (a) through (d) each set forth the obligation to "complete all translation and

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compliance inappropriate due to extensive violations); *Application of Northeast Indiana Public Radio, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 10850, 10852, para. 7 (Media Bur. 2013) (same).

²² See *The Hinton Telephone Company of Hinton, Oklahoma, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 6643, 6644, para. 11 (Com. Car. Bur. 1992) (providing a downward adjustment for Hinton's history of overall compliance).

²³ See Petition at 2–3.

²⁴ 47 C.F.R. § 64.3002(e).

²⁵ See Petition at 2–3.

²⁶ 47 C.F.R. § 64.3001.

²⁷ 47 C.F.R. § 64.3002.

²⁸ 47 C.F.R. § 64.3002.

routing necessary to deliver 911 calls” to the entity specified in the rule subsection.²⁹ Subsection (e), in contrast, provides a timetable for being able to deliver 911 calls to a PSAP after it is designated for an area that previously did not have a PSAP designation.³⁰ Thus, the more rational interpretation of the relationship between subsections (d) and (e) is that subsection (e) supplemented, rather than supplanted, Hinton’s subsection (d) obligation to exercise reasonable judgment. Hinton was thus required to continue to exercise reasonable judgement in its delivery of 911 calls during the nine month period in which it was establishing the necessary routing and translation functions to be able to complete calls to the designated PSAP. Hinton’s argument, to the contrary, would call for an unnecessarily strained textual reading of Section 64.3002, which is also contrary to the Commission’s intent when it created its 911 rules of ensuring the completion of 911 calls.³¹ Accordingly, Hinton’s argument provides no basis for reconsideration.

3. The Commission Has Jurisdiction to Regulate the Provision of Intrastate 911 Calls

11. Hinton also seeks cancellation of the forfeiture on the basis that the Commission improperly assumed jurisdiction over intrastate emergency communications, asserting that the 911 calls that it routed to an automated message were entirely intrastate.³² Hinton asserts further that the Commission exceeded its jurisdiction by failing to defer to advice Hinton claims it received from the Oklahoma Corporation Commission (OCC) staff.³³ Although a significant number of issues regarding regulation of 911 services lie within state jurisdiction,³⁴ we find that the 911 Act gives the Commission jurisdiction over the specific issue addressed in the *Forfeiture Order*. In the 911 Act, Congress directed the Commission to designate 911 as “the universal emergency telephone number within the United States for reporting an emergency to appropriate authorities and requesting assistance.”³⁵ Congress’ express intent was to “encourage and facilitate the prompt deployment throughout the United States of a seamless, ubiquitous, and reliable end-to-end infrastructure for communications ... to meet the Nation’s public

²⁹ 47 C.F.R. §§ 64.3002(a)-(d).

³⁰ 47 C.F.R. § 64.3002(e).

³¹ Hinton’s interpretation contravenes the intent of the Commission’s 911 rules, which were adopted to ensure that emergency calls were completed and to protect 911 callers from reaching non-responsive recorded announcements, non-working numbers, or blocked calls. *See Implementation of 911 Act*, Fifth Report and Order, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 22264, 22274–75, paras. 23, 27 (2001) (noting that some 911 callers were receiving “recorded announcement[s] that a non-working number has been reached” and that the 911 rules were designed to “eliminate or lessen those occurrences to the extent feasible,” and recognizing the “overriding public interest for all emergency calls to be completed and not dropped for any reason” and that the 911 rules “ensure that there is a destination to which emergency calls can be delivered”).

³² *See* Petition at 5.

³³ *Id.* at 6. As a separate matter, Hinton has not placed adequate evidence in the record in this proceeding regarding the advice it maintains it received from OCC staff. The sole evidence of such advice that Hinton cites is an e-mail from Hinton’s outside counsel to Hinton’s president, claiming that OCC staff “seemed comfortable that Hinton has not done anything wrong.” *See* Letter from Kendall Parish, Ron Comingdeer & Associates, Counsel for Hinton Telephone Company, to Josh Zeldis, Spectrum Enforcement Division, FCC Enforcement Bureau (June 18, 2014) (on file in EB-SED-14-00016210). Nevertheless, assuming for the sake of argument that Hinton had provided adequate support for this claim, any advice it had received from OCC staff would not form any basis for challenging the Commission’s well-established authority pursuant to Federal law to adopt rules governing the provision of 911 service.

³⁴ For a brief summary of Federal and state jurisdiction in the area of 911 service administration, see *Framework for Next Generation 911 Deployment, Notice of Inquiry*, PS Docket No. 10-255, 25 FCC Rcd 17869, 17895-96 (para. 83) (2010).

³⁵ *See* Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1286, § 3(a) (1999) (codified at 47 U.S.C. § 251(e)(3)) (911 Act).

safety ... needs.”³⁶ Pursuant to the 911 Act, the Commission adopted Sections 64.3001 and 64.3002 to implement nationwide standards for 911 service.³⁷ With these rules, the Commission sought “to ensure that the Congressional goals of the 911 Act for an expanded and improved nationwide emergency communications system are implemented effectively and efficiently.”³⁸ The role that Congress envisioned for the Commission and its rules could not be carried out if the Commission could not require carriers to have the infrastructure required to permit the transmission, translation, and routing “necessary to deliver 911 calls” to the appropriate local emergency authority.³⁹ Hinton’s argument that the Commission lacks jurisdiction would effectively nullify the 911 Act and the Commission’s 911 rules promulgated thereunder. Accordingly, we disagree with Hinton’s assertion that the Commission lacks the authority to enforce its rules for provisioning 911 calls, and find that Hinton’s argument provides no basis for reconsideration.

4. Hinton’s Compliance with Section 64.3003 of the Commission’s Rules Did Not Thereby Render Its Actions Reasonable under Sections 64.3001 and 64.3002 of the Commission’s Rules

12. In its Petition, Hinton also argues that “in light of Section 64.3003 of the Rules” the Commission should have found that it had “exercised reasonable judgment during the May-August 2013 period” because “Section 64.3003 expressly permits permissive dialing via seven-or-ten-digit emergency numbers that the public previously used to reach emergency service providers until the appropriate State or local jurisdiction determines that it is appropriate to phase out the use of such seven-or-ten-digit numbers entirely and use 911 exclusively.”⁴⁰ Hinton further argues that “[g]iven there was no such determination from the OCC or Caddo County prior to August 5, 2013, Hinton’s actions in providing local emergency number lists ... were compliant with the requirements of Section 64.3003.”⁴¹ While Hinton is correct that some seven-to-ten-digit emergency service is permitted under some circumstances under Section 64.3003, that section is not relevant to this proceeding. This is because, where 911 service is provided, it must be provided in compliance with Sections 64.3001 and 64.3002. For reasons set forth in the *Hinton Forfeiture Order* and this reconsideration order, Hinton’s provision of 911 service did not comply with Sections 64.3001 and 64.3002 during the time in question. Thus this argument also provides no basis for reconsideration.

C. The Petition’s Previously-Presented Arguments Provide No Basis for Reconsideration of the *Forfeiture Order*

13. Hinton raises a number of arguments that we considered and rejected in the *Forfeiture Order*. Among other things, Hinton again challenges the Bureau’s determination that the company violated Sections 64.3001 and 64.3002(d) when it continued to knowingly route 911 calls to the automated operator, contending that its alleged unique circumstances in upgrading its switching system, its actions to explore temporary patches during its then ongoing 911 transition, and its placement of newspaper and bill insert notices listing telephone numbers of relevant first responders, as well as construction at the planned PSAP location, demonstrate it exercised reasonable judgement in its provision of emergency telecommunications services in Caddo County.⁴² In the *Forfeiture Order*, however, the

³⁶ *Id.* § 2(b).

³⁷ See *Implementation of 911 Act*, Fifth Report and Order, Memorandum Opinion and Order on Reconsideration, 16 FCC Rcd 22264, 22267–74, paras. 6, 23–25 (2001).

³⁸ *Id.* at 22265, para. 1.

³⁹ See 47 C.F.R. §§ 64.3001, 64.3002.

⁴⁰ Petition at 4.

⁴¹ Petition at 4–5.

⁴² Petition at 3–5.

Bureau fully considered and rejected Hinton's arguments that these factors show it had exercised reasonable judgment for the three month period after it learned that 911 calls were being routed to an automated operator, and we reject Hinton's arguments in its Petition for Reconsideration for the same reasons.⁴³

14. Hinton also reiterates its argument that, except for its self-disclosed *pro forma* transfer of control violation that occurred 23 years ago, its overall record of regulatory compliance with the Commission's requirements and its record of providing 911 and/or E911 service in the four other Oklahoma counties it serves provides a basis for cancellation of the proposed forfeiture.⁴⁴ As noted, however, in the *Forfeiture Order* the Bureau fully considered and rejected these arguments, concluding Hinton's compliance record did not excuse or mitigate its failure over an extended period of time to use reasonable judgment in routing 911 calls in Caddo County.⁴⁵ There is nothing in Hinton's petition that would provide adequate justification for revisiting this issue. Accordingly, we reject this argument as merely reiterative of an argument previously raised by Hinton and fully considered and rejected by the Bureau in its *Forfeiture Order*.⁴⁶

IV. ORDERING CLAUSES

15. Accordingly, **IT IS ORDERED** that, pursuant to Section 405 of the Communications Act of 1934, as amended (Act), and Section 1.106 of the Commission's rules, the Petition for Reconsideration filed by Hinton is hereby **DENIED**.⁴⁷

16. **IT IS FURTHER ORDERED** that, pursuant to Section 503(b) of the Act and Sections 0.111, 0.311, and 1.80 of the Commission's rules, Hinton **IS LIABLE FOR A MONETARY FORFEITURE** of one hundred thousand dollars (\$100,000) for willfully and repeatedly violating Sections 64.3001 and 64.3002(d) of the Commission's rules.⁴⁸

17. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's rules within thirty (30) calendar days after the release date of this Memorandum Opinion and Order.⁴⁹ If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Act.⁵⁰

18. Payment of the forfeiture must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account Number and FRN referenced above. Hinton shall send electronic notification of payment to JoAnn Lucanik at JoAnn.Lucanik@fcc.gov and William Reed at william.reed@fcc.gov on the date said payment is made. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.⁵¹ When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number

⁴³ See *Forfeiture Order*, 30 FCC Rcd at 2310-11, paras. 7-9.

⁴⁴ Petition at 2, 6-8.

⁴⁵ See *Forfeiture Order*, 30 FCC Rcd at 2311, para. 10.

⁴⁶ See 47 C.F.R. § 1.106(p)(3); *N. Cnty. Broad. Corp.*, Memorandum Opinion and Order, 29 FCC Rcd 13261 (2014) (denying petition raising two issues on review, both of which were argued previously several times before the Bureau and rejected).

⁴⁷ 47 U.S.C. § 405; 47 C.F.R. § 1.106.

⁴⁸ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.111, 0.311, 1.80, 64.3001, 64.3002(d).

⁴⁹ 47 C.F.R. § 1.80.

⁵⁰ 47 U.S.C. § 504(a).

⁵¹ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

24A (payment type code). Below are additional instructions that should be followed based on the form of payment selected:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

19. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554.⁵² Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

20. **IT IS FURTHER ORDERED** that a copy of this Memorandum Opinion and Order shall be sent by first class mail and certified mail, return receipt requested, to Kenneth Doughty, Chief Executive Officer, The Hinton Telephone Company of Hinton, Oklahoma, Inc., d/b/a Hinton Telephone Company, 200 West Main Street, Hinton, Oklahoma 73047; Kendall Parrish, Comingdeer & Associates, 6011 North Robinson Avenue, Oklahoma City, Oklahoma 73118; and to Gerard J. Duffy, Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP, Suite 300, 2120 L Street NW, Washington, DC 20037.

FEDERAL COMMUNICATIONS COMMISSION

Travis LeBlanc
Chief
Enforcement Bureau

⁵² See 47 C.F.R. § 1.1914.