

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Message Communications, Inc.	)	File No.: EB-TCD-13-00007541
	)	NAL/Acct. No.: 201432170012
	)	FRN: 0020352423

**FORFEITURE ORDER**

**Adopted: February 3, 2015**

**Released: February 3, 2015**

By the Chief, Telecommunications Consumers Division, Enforcement Bureau:

1. We impose a penalty of \$25,000 against Message Communications, Inc. (Message Communications or Company) for obstruction of an Enforcement Bureau (Bureau) investigation into the Company's compliance with the Communications Act and our rules relating to the practice of making calls using artificial or prerecorded voice messages—"robocalling." Robocalls may be made to consumers' cell phones only if the consumer has consented or during an emergency—all other robocalls to cell phones are illegal. Congress has authorized the Federal Communications Commission to investigate illegal robocalls and, where we find violations, to enforce these consumer protection laws. The Bureau is investigating Message Communications' compliance with robocalling rules, yet the Company has repeatedly failed to answer the Bureau's questions and to produce documents. We will not tolerate attempts by Message Communications or any other company to evade or ignore our lawful inquiries—particularly questions related to compliance with laws that protect consumers from harm.

2. On July 11, 2014, the Enforcement Bureau issued a Notice of Apparent Liability for Forfeiture (*NAL*) proposing a \$25,000 forfeiture against Message Communications for willful, repeated, and continuing violation of Section 503(b)(1) of the Communications Act of 1934, as amended (Act) by failing to fully respond to the Bureau's March 28, 2013 LOI.<sup>1</sup> Message Communications has not filed a response to the *NAL*. Based on the information before us, we affirm the forfeiture proposed in the *NAL*.

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended (Act)<sup>2</sup> and Section 1.80 of the Commission's rules (Rules),<sup>3</sup> and Sections 0.111, 0.204, and 0.311 of the Rules,<sup>4</sup> Message Communications, Inc. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of twenty-five thousand dollars (\$25,000) for willfully and repeatedly violating Section 503(b)(1) of the Act.<sup>5</sup>

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days after the release date of this Forfeiture Order.<sup>6</sup> If the forfeiture is

<sup>1</sup> The *NAL* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference. *Message Communications, Inc.*, Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 8214 (2014); 47 U.S.C. § 503(b)(1).

<sup>2</sup> 47 U.S.C. § 503(b).

<sup>3</sup> 47 C.F.R. § 1.80.

<sup>4</sup> 47 C.F.R. §§ 0.111, 0.204, 0.311.

<sup>5</sup> 47 U.S.C. § 503(b)(1).

<sup>6</sup> 47 C.F.R. § 1.80.

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.<sup>7</sup>

5. 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. Message Communications, Inc. shall send electronic notification of payment to Johnny Drake at Johnny.Drake@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.<sup>8</sup> When completing the Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 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.

6. 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, SW, Room 1-A625, Washington, D.C. 20554.<sup>9</sup> Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

7. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to Message Communications, Inc. c/o David B. Felsenthal, Novian & Novian LLP, 1801 Century Park East, Suite 1201, Los Angeles, CA 90067.

FEDERAL COMMUNICATIONS COMMISSION

Richard A. Hindman  
Chief  
Telecommunications Consumers Division  
Enforcement Bureau

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<sup>7</sup> 47 U.S.C. § 504(a).

<sup>8</sup> An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>9</sup> See 47 C.F.R. § 1.1914.