

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

In the Matter of WinPR, Inc. San Juan, Puerto Rico
File No.: EB-FIELDSCR-18-00027969
NAL/Acct. No.: 201932020002
FRN: 0028605194

FORFEITURE ORDER

Adopted: November 14, 2019

Released: November 14, 2019

By the Acting Field Director, Enforcement Bureau

1. We impose a penalty of \$25,000 against WinPR, Inc. (WinPR) for willfully operating two Unlicensed National Information Infrastructure (U-NII) devices in an unauthorized manner that caused interference to the FAA’s terminal doppler weather radar station in San Juan, Puerto Rico.

2. On August 22, 2019, the Enforcement Bureau issued a Notice of Apparent Liability for Forfeiture and Order (Notice) proposing a \$25,000 forfeiture against WinPR for willful violation of section 301 of the Communications Act of 1934, as amended (Act), and sections 15.1(b) and 15.407(h)(2) of the Commission’s rules by operating the U-NII devices with the required Dynamic Frequency Selection feature disabled. As a result, WinPR’s U-NII devices were not configured to sense the presence of the FAA’s terminal doppler weather radar station and to move to a non-interfering frequency. WinPR has not filed a response to the Notice. Based on the information before us, we affirm the forfeiture proposed in the Notice.

3. Accordingly, IT IS ORDERED that, pursuant to section 503(b) of the Act and section 1.80 of the Commission’s rules, and sections 0.111, 0.204, and 0.311 of the Commission’s rules WinPR, Inc. IS LIABLE FOR A MONETARY FORFEITURE in the amount of Twenty-Five Thousand

1 Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

2 The Notice includes a more complete discussion of the facts and history of this case and is incorporated herein by reference. WinPR, Inc, San Juan, Puerto Rico, Notice of Apparent Liability for Forfeiture and Order, 34 FCC Red 7250, 7252, para. 8 (EB 2019).

3 47 U.S.C. § 301.

4 47 CFR §§ 15.1(b), 15.407(h)(2).

5 47 U.S.C. § 503(b).

6 47 CFR § 1.80.

7 47 CFR §§ 0.111, 0.204, 0.311.

Dollars (\$25,000) for willfully violating section 301 of the Act⁸ and sections 15.1(b) and 15.407(h)(2) of the Commission's rules.⁹

4. 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 Forfeiture Order.¹⁰ 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.¹¹

5. Payment of the Civil Penalty must be made by credit card, ACH (Automated Clearing House) debit from a bank account using the Commission's Fee Filer (the Commission's online payment system),¹² or by wire transfer. The Commission no longer accepts Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:¹³

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).¹⁴ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission's Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by credit card, log-in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Pay bills" on the Fee Filer Menu, and select the bill number associated with the NAL Account – the bill number is the NAL Account number with the first two digits excluded – and then choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission's Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Pay bills" on the Fee Filer Menu and then select the bill number associated to the NAL Account – the bill number is the NAL Account number with the first two digits excluded – and choose the "Pay from Bank Account" option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

⁸ 47 U.S.C. § 301.

⁹ 47 CFR §§ 15.1(b), 15.407(h)(2).

¹⁰ 47 CFR § 1.80.

¹¹ 47 U.S.C. § 504(a).

¹² Payments made using the Commission's Fee Filer system do not require the submission of an FCC Form 159.

¹³ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

¹⁴ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

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, DC 20554.¹⁵ 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 WinPR, Inc. at its last known address.

FEDERAL COMMUNICATIONS COMMISSION

Ronald Ramage
Acting Field Director
Enforcement Bureau

¹⁵ See 47 CFR § 1.1914.