

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

In the Matter of)	
)	
Mobile Relay Associates)	File No.: EB-FIELDWR-13-00006950
)	NAL/Acct. No.: 201532900001
Licensee of WPPF234)	FRN: 0001532027
Malibu, California)	

MEMORANDUM OPINION AND ORDER

Adopted: August 4, 2020

Released: August 4, 2020

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. The Commission developed operating requirements for private land mobile radio systems to promote the efficient use of shared spectrum and to address frequency congestion. Licensees must limit their transmissions to the minimum practicable transmission time and monitor the transmitting frequency to detect other communications in progress. Licensees also are required to cooperate in using shared frequencies to reduce interference and resolve instances of interferences by mutually satisfactory arrangements. In this Order, we enforce those requirements and deny Mobile Relay Associates' (Mobile Relay or Company)¹ Petition for Reconsideration² of the \$25,000 *Forfeiture Order*³ issued against Mobile Relay for failing to monitor and take other precautions to avoid causing harmful interference to another licensee operating on a shared frequency.⁴

2. Reconsideration is appropriate only when the petitioner either demonstrates a material error or omission in the underlying order or raises additional facts not known or not existing until after the petitioner's last opportunity to present such matters.⁵ Mobile Relay fails to so demonstrate in its Petition. Upon review of the Petition and the entire record, we find no basis for reconsideration. We, therefore, find that the Bureau properly decided the matters raised and deny Mobile Relay's Petition.

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 See Petition for Reconsideration of Mobile Relay Associates, File No. EB-FIELDWR-13-00006950, (Jan. 4, 2016) (on file in EB-FIELDWR-13-00006950) (Petition).

³ *Mobile Relay Assocs. Licensee of WPPF234 Malibu, California*, Forfeiture Order, 30 FCC Rcd 13642 (EB 2015) (*Forfeiture Order*), *aff'g*, Notice of Apparent Liability for Forfeiture, 30 FCC Rcd 7134 (EB 2015) (*Notice*). The *Notice* and *Forfeiture Order* include more complete discussions of the facts and history of this case and are incorporated herein by reference.

⁴ *Forfeiture Order*, 30 FCC Rcd at 13642, para. 1.

⁵ See 47 CFR § 1.106(p)(1)-(2); *EZ Sacramento, Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 18257, 18257, para. 2 (EB 2000) (citing *WWIZ, Inc.*, Memorandum Opinion and Order, 37 FCC Rcd 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 (EB 2012) (articulating the standard of review for petitions for reconsideration).

II. BACKGROUND

3. *Legal Framework.* The Communications Act of 1934, as amended (the Act), and the Commission's rules permit the filings of petitions for reconsideration. Section 405 of the Act states that "[a]fter an order, decision, report, or action has been made or taken in any proceeding by the Commission . . . any party thereto, or any other person aggrieved or whose interests are adversely affected thereby, may petition for reconsideration only to the authority making or taking the order, decision, report, or action[.]"⁶ Section 1.106 of the Commission's rules sets for the legal standard used to assess reconsideration petitions.⁷ Generally, the petition (i) must show a material error or omission in the underlying order,⁸ (ii) raise facts not known or in existence at the time that order,⁹ or (iii) show that the consideration of facts or arguments is required by the public interest.¹⁰

4. Part 90 of the Commission's rules contains the relevant private land mobile radio service rules. Frequencies assigned to private land mobile radio stations are available on a shared basis, unless specified otherwise.¹¹ Section 90.173(b) requires licensees to cooperate in using shared frequencies to reduce interference and to resolve instances of interferences by mutually satisfactory arrangements.¹² Section 90.403(e) requires licensees to "take reasonable precautions to avoid causing harmful interference[, which] includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference."¹³ Finally, section 90.187(b) states that ". . . trunked systems operating under this section must employ equipment that prevents transmission on a trunked frequency if a signal from another system is present on that frequency. The level of monitoring must be sufficient to avoid harmful interference to other systems."¹⁴

5. *Factual Background.* Mobile Relay is the licensee of multiple private land mobile radio stations in the Los Angeles area, including station WPPF234, Malibu, California (Station).¹⁵ The Company is required to operate the Station as a trunked Industrial/Business Pool station.¹⁶ Mobile Relay is also required to share two of the Station's assigned frequencies, 151.7825 MHz and 152.2925 MHz, with other co-channel land mobile licensees.¹⁷ In March 2013, after investigating complaints of interference against the Station,¹⁸ the Bureau issued a Notice of Violation to Mobile Relay for several rule violations, including failing to: (1) restrict the Station's transmissions to the minimum practical

⁶ 47 U.S.C. § 405; *see also* 47 CFR § 1.106(b)(1) ("any party to the proceeding, or any other person whose interests are adversely affected by any action taken by the Commission or by the designated authority, may file a petition requesting reconsideration of the action taken.").

⁷ 47 CFR § 1.106.

⁸ *Id.* § 1.106(p)(1).

⁹ *Id.* § 1.106(p)(2).

¹⁰ *Id.* § 1.106(c).

¹¹ *Id.* § 90.173(a) ("Except as otherwise specifically provided in this part, frequencies assigned to land mobile stations are available on a shared basis only and will not be assigned for the exclusive use of any licensee.").

¹² *Id.* § 90.173(b).

¹³ *Id.* § 90.403(e).

¹⁴ *Id.* § 90.187(b).

¹⁵ *Forfeiture Order*, 30 FCC Rcd at 13642, paras. 1-2.

¹⁶ *Notice*, 30 FCC Rcd at 7134, para. 2.

¹⁷ *Id.*

¹⁸ The complainants included Eden Memorial Park (Eden), licensee of Station WPWA436, Mission Hills, California, operating on frequency 152.2925 MHz, and Knott's Berry Farm, licensee of KML654, Buena Park, California, operating on 151.775 MHz. *See* Investigation Report (on file in EB-FIELDWR-13-00006950).

transmission time, (2) monitor the transmitting frequencies of other licensees, or (3) take any other reasonable precautions to avoid causing harmful interference.¹⁹

6. In June 2015, the Bureau further investigated the Station and determined Mobile Relay's operations were causing harmful interference to Eden, one of the earlier complainants.²⁰ Notably, the Company's 95% occupancy rate effectively prevented Eden from using frequency 152.2925 MHz, the frequency it shares with Mobile Relay's Station.²¹ In July 2015, the Bureau issued a *Notice* finding that Mobile Relay apparently willfully and repeatedly violated sections 90.187(b)²² and 90.403(e)²³ of the Commission's rules because the Company operated nearly continuously on its Station, utilizing a 95% duty cycle²⁴ on the shared frequencies, 151.7825 MHz and 152.2925 MHz, without employing equipment that monitored communications in progress and engaging in monitoring to avoid causing harmful interference to other systems.²⁵ The Bureau proposed a forfeiture of \$25,000 for these apparent violations. In assessing the statutory factors to be considered in determining this proposed forfeiture amount, we rejected Mobile Relay's claims in response to the Notice of Violation that it was not operating continuously, but merely engaged in "heavy usage" of the shared frequencies.²⁶ We also determined that the Company's mitigation efforts after receiving the Notice of Violation, including reducing the Station's power and adding Level 2 monitoring, were insufficient to avoid causing harmful interference.²⁷ The Bureau concluded that Mobile Relay's ongoing pattern of violations after being put on notice were sufficiently egregious and prolonged to warrant a significant monetary forfeiture.²⁸

7. On August 13, 2015, Mobile Relay filed a response to the *Notice*.²⁹ The Company argued that its operations did not result in rule violations,³⁰ and that imposition of a penalty would be unduly discriminatory to Mobile Relay.³¹ On December 2, 2015, we issued a *Forfeiture Order* affirming the \$25,000 proposed forfeiture.³²

8. On January 4, 2016, Mobile Relay filed its Petition seeking reconsideration of the *Forfeiture Order* and raises three arguments. *First*, the Company argues the Bureau did not provide

¹⁹ See *Mobile Relay Associates*, Notice of Violation, V201332900014 (Mar. 20, 2013) (on file in EB-FIELDWR-13-00006950) (Notice of Violation).

²⁰ See *supra* note 18.

²¹ *Forfeiture Order*, 30 FCC Rcd at 13646, paras. 9-10.

²² 47 CFR § 90.187(b).

²³ *Id.* § 90.403(e).

²⁴ The specification of a duty cycle limits the number and length of transmissions which may occur in any specific time period. See *Amendment of Part 90 of the Commission's Rules and Policies for Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450-470 MHz Band*, WT Docket No. 01-146, Report and Order, 18 FCC Rcd 3948, 3969, para. 51 (2003). Duty cycle limitations may promote frequency re-use and spectrum efficiency by preventing high traffic licensees from monopolizing shared channels. *Id.*

²⁵ *Notice*, 30 FCC Rcd at 7138-39, paras. 8-10.

²⁶ Response to Notice of Violation at 2 (Apr. 5, 2013) (on file in EB-FIELDWR-13-00006950) (Notice of Violation Response).

²⁷ *Notice*, 30 FCC Rcd at 7138-39, paras. 8, 10.

²⁸ *Id.* at 7139, paras. 11-12.

²⁹ Written Statement of Mobile Relay Associates Seeking Reduction or Cancellation of Proposed Forfeiture (Aug. 13, 2015) (on file in EB-FIELDWR-13-00006950) (Notice Response).

³⁰ Notice Response at 4-5.

³¹ *Id.* at 5-8.

³² *Forfeiture Order*, 30 FCC Rcd at 13642, 13649, paras. 1, 15.

Mobile Relay notice that its high occupancy rate, i.e., 95% duty cycle, of the shared channels violated part 90 of the Commission's rules. *Second*, Mobile Relay contends the Bureau abused its prosecutorial discretion by treating Mobile Relay differently than other similarly situated licensees and, therefore, acted in an arbitrary and capricious manner.³³ *Third*, the Company claims the Bureau is "punishing" Mobile Relay because it often complained about other licensees allegedly causing harmful interference to Mobile Relay's systems on a widespread basis.³⁴

III. DISCUSSION

9. The Bureau issued a forfeiture in this case in accordance with section 503(b) of the Act,³⁵ section 1.80 of the Commission's rules,³⁶ and the Commission's *Forfeiture Policy Statement*.³⁷ When we assess forfeitures, section 503(b)(2)(E) requires that we take into account the "nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."³⁸

10. Section 1.106(p) authorizes the Bureau, pursuant to delegated authority, to dismiss or deny a petition for reconsideration that is used to merely repeat legal and factual arguments that have been "fully considered and rejected by the [Bureau] within the same proceeding[.]"³⁹ We dismiss Mobile Relay's Petition to the extent that it repeats its previously examined and rejected claim of disparate and arbitrary and capricious treatment.⁴⁰ Similarly, the Bureau may dismiss a petition for reconsideration if the petition relies on facts or raises new arguments that have not been previously presented to the Bureau in this proceeding.⁴¹ Mobile Relay argues for the first time in its Petition that the Bureau is punishing it for filing complaints often, but does not explain why it could not have raised this argument before. This argument is thus procedurally deficient, and we dismiss it accordingly. Moreover, even if we were to consider these arguments, we find none persuasive. We therefore affirm the \$25,000 forfeiture assessed in the *Forfeiture Order*.

A. Sections 90.187(b) and 90.403(e) of the Commission's Rules Require Licensees to Take Reasonable Measures to Avoid Causing Harmful Interference

11. Licensees are obligated to become familiar with and comply with the Commission's rules.⁴² The plain language of sections 90.403(e) and 90.187(b) requires Mobile Relay, a private land mobile radio service licensee, to take reasonable steps, including monitoring, to avoid causing harmful interference to other private land mobile radio service licensees. Specifically, section 90.403(e) of the Commission's rules requires licensees to "take reasonable precautions to avoid causing harmful

³³ Petition at 8-12.

³⁴ *Id.* at 12-14.

³⁵ 47 U.S.C. § 503(b).

³⁶ 47 CFR § 1.80.

³⁷ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997) (*Forfeiture Policy Statement*), *recons. denied*, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

³⁸ 47 U.S.C. § 503(b)(2)(E).

³⁹ *Id.* § 1.106(p)(3).

⁴⁰ Petition at 8; Notice Response at 8.

⁴¹ *Id.* § 1.106(p)(2).

⁴² *See Forfeiture Policy Statement*, 12 FCC Rcd at 17099, para. 22 ("The Commission expects, and it is each licensee's obligation, to know and comply with all of the Commission's rules."). *See also Pennington*, Notice of Apparent Liability, 32 FCC Rcd 4206, 4210 (2017) ("Licensees are obligated to comply fully with the [Commission's] Rules[.]",) *aff'd*, *Pennington*, Forfeiture Order, 34 FCC Rcd 770 (2019).

interference. This includes monitoring the transmitting frequency for existing communications and such other measures as may be necessary to minimize the potential for causing interference.”⁴³ Section 90.187(b) of the Commission’s rules states that “the level of monitoring must be sufficient to avoid harmful interference to other systems.”⁴⁴ Bureau agents informed Mobile Relay that its operations were causing interference when it first issued an Notice of Violation to the Company in 2013. When Bureau agents later investigated Mobile Relay’s operations, they observed that the Company had not employed equipment that automatically monitored communications in progress or otherwise implemented monitoring sufficient to avoid harmful interference. Rather, the agents determined that Mobile Relay was, in fact, causing harmful interference to another licensed station.⁴⁵

12. The Company misunderstands these rules in its argument that it did not have notice that the manner in which it was operating—using a 95% duty cycle—violated the Commission’s rules. The rules at issue require licensees to take reasonable precautions and sufficiently monitor transmitting frequencies of other licensees to avoid causing harmful interference. The Commission relies on licensees to take such measures as are necessary to avoid causing harmful interference. In this instance, Bureau agents determined that Mobile Relays’ transmissions effectively monopolized a non-exclusive channel operating with a 95% duty cycle, thereby causing harmful interference to another co-channel licensee, Eden.⁴⁶ Thus, in light of the plain language of the rules and the actual notice that Mobile Relay received from the Notice of Violation, the Company’s argument that it lacked notice that its operations violated the Commission’s rules defies credulity.

B. The Act and the Commission’s Rules Grant the Bureau Considerable Discretion when Determining a Forfeiture

13. Section 403 of the Act provides the Commission with “full authority and power at any time to institute an inquiry, on its own motion, . . . relating to the enforcement of any of the provisions of this Act.”⁴⁷ The Commission’s *Forfeiture Policy Statement* and section 1.80 of the Commission’s rules set the base amount for monetary forfeiture amounts and provide the Bureau with considerable discretion to depart from these guidelines when considering the particular facts of each individual case. Indeed, the *Forfeiture Policy Statement* and section 1.80 set forth various forfeiture adjustment factors that we must consider, if the facts warrant, including the egregiousness and duration of the violations.⁴⁸

14. In its Petition, Mobile Relay repeats its allegation asserted in response to the *Notice* that the Bureau acted in an arbitrary and capricious manner in determining the forfeiture amount.⁴⁹ Specifically, the Company claims that it received disparate treatment from the Bureau in comparison to other companies with similar violations who either incurred no monetary penalty or a lesser monetary penalty. We disagree. In the *Notice*, based on the facts of the case, the Bureau determined that Mobile

⁴³ 47 CFR § 90.403(e).

⁴⁴ *Id.* § 90.187(b).

⁴⁵ *Notice*, 30 FCC Rcd at 7136-37, paras. 5-6.

⁴⁶ *Forfeiture Order*, 30 FCC Rcd at 13645-46, paras. 9-10.

⁴⁷ 47 U.S.C. § 403; *see also*, *Fabrice Polynice, N. Miami, FL*, Forfeiture Order, 33 FCC Rcd 6852, 6857 (2018) (finding the Commission has “prosecutorial discretion in choosing to initiate investigations, and the absence of action against any or all potentially liable entities does not preclude it from enforcing against a specific violator[.],” citing *Viacom Inc., ESPN Inc.*, Forfeiture Order, 30 FCC Rcd 797, 804, para. 17 (2015) (citations omitted) (emphasis added).

⁴⁸ *Forfeiture Policy Statement* at 12 FCC Rcd 17098-99, para. 22 (noting that “[a]lthough we have adopted the base forfeiture amounts as guidelines to provide a measure of predictability to the forfeiture process, we retain our discretion to depart from the guidelines and issue forfeitures on a case-by-case basis, under our general forfeiture authority contained in Section 503 of the Act.”); 47 CFR § 1.80.

⁴⁹ Petition at 8-10, 15; *see also* Notice Response at 8.

Relay's Station operations resulted in causing harmful interference to a co-channel licensee in willful and repeated violation of sections 90.187(b) and 90.403(e) of the Commission's rules.⁵⁰ Taking into account the egregiousness and duration of the Company's actions, we proposed a \$25,000 forfeiture.⁵¹ Subsequently, in affirming the proposed fine in the *Forfeiture Order*, we demonstrated that the Bureau has extensively enforced violations of these rules against other licensees, including the subjects of Mobile Relay's complaints when the facts of the case warranted such action, and that the forfeiture in this case is based on the facts and the law specific to it.⁵² In particular, we explained that the egregious nature and duration of Mobile Relay's violations for a two year period after receiving a Notice of Violation warranted an upward adjustment in the calculation of the sanction here.⁵³ Thus, in the *Forfeiture Order*, the Bureau considered Mobile Relay's response to the *Notice* in light of the applicable statutory factors, the Commission's rules, and the *Forfeiture Policy Statement*, and affirmed the proposed \$25,000 forfeiture.⁵⁴

C. Section 1.106 Authorizes the Bureau to Dismiss Arguments Not Previously Presented in this Proceeding

15. We find Mobile Relay's argument that the Bureau is "punishing" the Company because it filed numerous interference complaints against other licensees to be procedurally barred and substantively unsubstantiated. Mobile Relay asserts this claim for the first time in the Petition. Section 1.106(c) authorizes the Bureau to grant a petition for reconsideration that relies on new facts or arguments only if those facts or arguments relate to events that have occurred, or circumstances that have changed, since the last opportunity to present such matters; or when the petition relies on facts or arguments unknown to the petitioner until after his last opportunity to present those facts or arguments.⁵⁵ Because the Company fails to explain why it could not have presented this argument or any alleged facts that were not known or knowable to it at earlier stages of this proceeding, we dismiss this claim. Section 1.106(c)(2) additionally allows the Bureau to consider such facts or arguments if it determines that doing so is required in the public interest.⁵⁶ Mobile Relay does not provide any reason for its failure to present this argument earlier or claim that consideration of this argument is now necessary in the public interest. Finally, even if we were to consider this claim, we would find it lacks merit as the *Forfeiture Order* was decided on its merits

⁵⁰ *Notice*, 30 FCC Rcd at 7137-39, paras. 7-10.

⁵¹ *Id.* at 7140, para. 12.

⁵² *Forfeiture Order*, 30 FCC Rcd at 13646, para. 11 & n.34, para. 12; see also *Public Safety Technologies, Inc., Licensee of WQJM334 West Covina, California*, Forfeiture Order, 32 FCC Rcd 7433 (EB 2017) (*Forfeiture Order*), *aff'g*, *Notice of Apparent Liability for Forfeiture*, 31 FCC Rcd 10477 (EB 2016) (assessing \$25,000 forfeiture for operating continuously on shared frequency 451.350 MHz and failing to take reasonable precautions to avoid causing harmful interference to Mobile Relay Associates, violating sections 90.403(c) and (e), and other violations of Commission rules for private land mobile radio stations).

⁵³ See *Forfeiture Order*, 30 FCC Rcd at 13646-48, paras. 11-13. Mobile Relay appears to base its argument on attacking a single footnote in the *Forfeiture Order*, stating "[T]he *Forfeiture Order*, at n.37, rejected [Mobile Relay's] claims of disparate treatment, and said that *Melody Music* and its progeny, cited by [Mobile Relay], only apply in licensing cases, not enforcement cases. . . ." Petition at 8 (citing *Melody Music, Inc. v. FCC*, 345 F.2d 730 (D.C. Cir. 1965) (*Melody Music*); *Telephone and Data Systems, Inc., v. FCC*, 19 F.3d 42 (D.C. Cir. 1994) and *Telephone and Data Systems, Inc., v. FCC*, 19 F.3d 655 (D.C. Cir. 1994)). In attacking this single footnote, Mobile Relay sets up and attacks a straw man. The cited footnote did not reject Mobile Relay's claim of disparate treatment or, indeed, any argument put forth by Mobile Relay. More importantly, the section of the *Forfeiture Order* in which this footnote appears shows the Bureau determining the forfeiture based on the particular facts of this case. See *Forfeiture Order* 30 FCC Rcd at 13646-48, paras. 11-13.

⁵⁴ *Forfeiture Order*, 30 FCC Rcd at 13649, para. 14.

⁵⁵ 47 CFR § 1.106(c).

⁵⁶ *Id.* § 1.106(c)(2).

and not out of any desire to punish the Company for filing past complaints. Accordingly, we find that Mobile Relay's argument does not warrant reconsideration of the *Forfeiture Order*.

D. The Full Forfeiture is Warranted

16. After considering the relevant statutory factors and the Commission's *Forfeiture Policy Statement*, we affirm our finding that Mobile Relay is liable for a total forfeiture of \$25,000. As explained in the *Notice* and *Forfeiture Order*, this total results from the Company willfully and repeatedly violating sections 90.187(b) and 90.403(e) of the Commission's rules,⁵⁷ for failing to monitor and take other reasonable precautions to avoid causing harmful interference to another licensed private land mobile radio service station operating on a shared frequency in the Los Angeles area.

17. We have considered the arguments that Mobile Relay raised in its Petition and find they are unpersuasive. We find the Bureau properly considered the arguments raised and uphold the *Forfeiture Order* for the reasons discussed herein. Accordingly, we decline to cancel, reduce, or vacate the \$25,000 forfeiture adopted in the *Forfeiture Order*.

IV. ORDERING CLAUSES

18. Accordingly, **IT IS ORDERED** that, pursuant to section 405 of the Act and section 1.106 of the Commission's rules, the Petition for Reconsideration filed by Mobile Relay Associates is hereby **DENIED**.⁵⁸

19. **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,⁵⁹ Mobile Relay Associates **IS LIABLE FOR A MONETARY FORFEITURE** of \$25,000 for willfully and repeatedly violating sections 90.187(b) and 90.403(e) of the Commission's rules.⁶⁰

20. 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.⁶¹ 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.⁶²

21. Mobile Relay Associates, shall send electronic notification of payment to the Office of the Field Director, Enforcement Bureau, Federal Communications Commission, at field@fcc.gov and Joy Ragsdale, Field Counsel, at joy.ragsdale@fcc.gov on the date said payment is made. Payment of the forfeiture 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),⁶³ or by wire transfer. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:⁶⁴

⁵⁷ 47 CFR §§ 90.187(b), 90.403(e).

⁵⁸ 47 U.S.C. § 405; 47 CFR § 1.106.

⁵⁹ 47 U.S.C. § 503(b); 47 CFR §§ 0.111, 0.311, 1.80.

⁶⁰ 47 CFR §§ 90.187(b), 90.403(e).

⁶¹ *Id.* § 1.80.

⁶² 47 U.S.C. § 504(a).

⁶³ Payments made using the Commission's Fee Filer system do not require the submission of FCC Form 159.

⁶⁴ 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.

- 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).⁶⁵ 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.

22. 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 20554.⁶⁶ 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.

23. **IT IS FURTHER ORDERED** that a copy of this *Memorandum Opinion and Order* shall be sent by first-class and certified mail, return receipt requested, to Mobile Relay Associates, P.O. Box 19, Paramount, CA 90723-0019, and to its counsel, David J. Kaufman, Esquire, Rini O’Neil, PC, 1200 New Hampshire Ave. NW, Suite 600, Washington, DC 20036.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary C. Harold
Bureau Chief
Enforcement Bureau

⁶⁵ Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

⁶⁶ 47 CFR § 1.1914.