

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

In Re)	
Courtesy Communications, Inc.)	File No. 620EF0012
)	
Notice of Apparent Liability for Forfeiture)	
Paging and Radiotelephone Service Station)	
KRS679, Ritzville, Washington)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: July 31, 1996

Released: August 5, 1996

1. This action constitutes a Notice of Apparent Liability for Forfeiture, pursuant to section 503(b) of the Communications Act of 1934, as amended, against Courtesy Communications, Inc., ("Courtesy") licensee of Paging and Radiotelephone Service (PRS) Station KRS679, Ritzville, Washington. Specifically, we find that Courtesy Communications failed to timely notify the Commission of commencement of service of Station KRS679, in apparent violation of section 22.142(b) of the Commission rules.
2. On October 27, 1993, the Commission granted Courtesy's application to relocate 152.24, 152.84, and 158.70 Mhz base stations for PRS Station KRS679 to a new site at Ritzville, Washington. After the one year construction period, Courtesy failed to file FCC Form 489, which notifies the FCC that construction has been completed and service has begun. Consequently, on October 18, 1995, the Commission released a public notice which cancelled the October 27, 1993 authorization as expired due to a failure to timely file FCC Form 489.
3. Pursuant to notification of the expiration of its authorization to operate the station, Courtesy filed an emergency request for a Special Temporary Authorization ("STA") to resume legal operation of Station KRS679. In the request, Courtesy stated that it may have timely filed FCC Form 489 but could not find any evidence of the filing, so it requested an immediate STA. It justified its request by stating that its paging service is used by many people in the health care industry, from physicians to ambulance services. On December 1, 1995, the Commission granted a STA to Courtesy for Station KRS679 to operate from December 1, 1995 to January 29, 1996, pending processing of Forms 600 and 489.
4. Section 22.142(b) of the Commission Rules provides in pertinent part:

Notification Requirement. Licensees must notify the FCC (FCC Form 489) of commencement of service to subscribers. The notification must be mailed no later than fifteen days after service begins.

In the past, the Commission has determined that a forfeiture of \$2,000 is justified when a licensee has failed to timely file FCC Form 489. *See, e.g., AllCity Paging Inc.*, 9 FCC Rcd 6485 (1994); *R & D Cellular*, 11 FCC Rcd 3350 (1996).

5. There is no dispute that Courtesy failed to timely notify the Commission of the initiation of service on the following frequencies: 158.70 MHz, 152.24 MHz, and 152.84 MHz. Regardless of its claim of inadvertence, the fact remains that Courtesy repeatedly violated Section 22.142(b) of the Commission's Rules over an extended period of time. Based on the factors set forth in Section 503(b)(2)(D) of the Act and case precedent, we find that Courtesy's violation of Section 22.142(b) warrants a forfeiture of \$2,000 per frequency, for a total of \$6,000.

6. Accordingly, pursuant to section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. section 503(b) and Section 1.80 of the Commission Rules, 47 C.F.R. section 1.80, Courtesy Communications, Inc. is hereby advised of its APPARENT LIABILITY FOR FORFEITURE in the amount of six thousand dollars (\$6,000) for violation of section 22.142(b).

7. Payment of the forfeiture may be made by credit card or by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the file number of the above-captioned proceeding.

8. A copy of this Notice is being sent to counsel for Courtesy Communications, Inc., Blooston, Mordkofsky, Jackson, and Dickens, 2120 L Street, N.W., Washington, D.C. 20037, by Certified Mail, Return Receipt Requested.

FEDERAL COMMUNICATIONS COMMISSION



Howard Davenport
Chief, Enforcement Division
Wireless Telecommunications Division