

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

In re)	
)	
Acadian Ambulance Service, Inc.)	File No. 720EF0003
)	
Notice of Apparent Liability for Forfeiture)	
for Paging and Radiotelephone)	
Service Station KNLR909)	
)	
Alexandria, Louisiana)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: April 25, 1997

Released: April 30, 1997

By the Chief, Enforcement Division, Wireless Telecommunications Bureau:

1. This action constitutes a Notice of Apparent Liability for Forfeiture, pursuant to Section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b), against Acadian Ambulance Service, Inc. ("Acadian"), licensee of Paging and Radiotelephone Station KNLR909, Alexandria, Louisiana. Specifically, we find that Acadian failed to timely file FCC Form 489 for Station KNLR909, in apparent violation of Section 22.142(b) of the Commission's Rules, 47 C.F.R. § 22.142(b).

2. On August 18, 1995, the Commission granted Acadian authorization to construct station facilities for KNLR909. The authorization required construction to be completed by August 18, 1996, and permitted operation on frequency 152.51 MHz. Acadian began operation on January 12, 1996, but did not file FCC Form 489, which notifies the Commission that construction has been completed and service has begun, until September 27, 1996.

3. On October 30, 1996, without a record of Acadian's late filing of the FCC Form 489, the Commission issued a Public Notice terminating its authorization. On November 22, 1996, Acadian responded to the termination, in which it blamed its failure to file FCC Form 489 before commencing operation on clerical oversight. In its response, Acadian further stated that it had filed FCC Form 489 as soon as it discovered the oversight. Additionally, Acadian assured the Commission that it "intends to be more diligent with its future Form 489 filings."

4. Section 22.142(b) of the Commission's 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 or delivered to the filing place no later than 15 days after service begins.

47 C.F.R. § 22.142(b) (1995). In the past, the Commission has determined that a forfeiture of \$2,000.00 is justified when a licensee fails to timely file FCC Form 489. *See, e.g., R & D Cellular*, 11 FCC Rcd 3350 (1996).

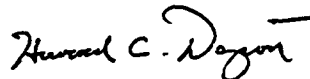
5. There is no dispute that Acadian commenced service on frequency 152.51 MHz without filing FCC Form 489 in a timely manner, and thus violated Section 22.142(b) over an extended period of time. Based on the factors set forth in Section 503(b)(2)(D) of the Act and case precedent, we find that Acadian's violation of Section 22.142(b) warrants a \$2,000.00 forfeiture. However, because Acadian voluntarily disclosed the violation and the infraction was minor, we reduce the total forfeiture to \$1,000. *See AllCity Paging, Inc.*, 9 FCC Rcd 6485 (1994).

6. Accordingly, pursuant to Section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b) and Section 1.80 of the Commission's Rules, 47 C.F.R. § 1.80, Acadian is hereby advised of its APPARENT LIABILITY FOR FORFEITURE in the amount of one thousand dollars (\$1,000.00) for repeated violations of Section 22.142(b).

7. Payment of the forfeiture may be made by credit card or by check or similar instrument, payable to the order of the Federal Communications Commission, sending it to 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 Acadian Ambulance Service, Inc., Frederick M. Joyce, Esq., 1019 19th Street, N.W., 14th Floor, PH-2, Washington, DC 20036, by Certified Mail, Return Receipt Requested.

FEDERAL COMMUNICATIONS COMMISSION



Howard C. Davenport
Chief, Enforcement Division
Wireless Telecommunications Bureau