

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

In the Matter of)	
)	File No. EB 99-TS-021
Simon Property Group #7323)	NAL/File No. 920EF0041
P.O. Box 703)	
Indianapolis, IN 46207)	

FORFEITURE ORDER

Adopted: March 22, 2000

Released: March 23, 2000

By the Chief, Enforcement Bureau:

1. In this Forfeiture Order, we issue a monetary forfeiture in the amount of five thousand dollars (\$5,000) against Simon Property Group #7323 (Simon Property), for willful and repeated violations of Section 301 of the Communication’s Act of 1934, as amended (“the Act”), former Section 90.113 of the Commission’s Rules (“the Rules”), 47 C.F.R. §90.113, and Section 1.903 of the Rules, 47 C.F.R. §1.903.¹ The noted violation involves the operation of a Private Land Mobile Radio Service station on an expired authorization.

2. On June 29, 1999, the Wireless Telecommunications Bureau issued a Notice of Apparent Liability (“NAL”) for a monetary forfeiture in the amount of five thousand dollars (\$5,000). Simon Property has not filed a response. Based on the information before us, we affirm this forfeiture.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Act, 47 U.S.C. § 503(b), and Sections 0.111, 0.311 and 1.80 of the Rules, 47 C.F.R. §§ 0.111, 0.311 and 1.80, Simon Property **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of five thousand dollars (\$5,000) for willful and repeated violations of Section 301 of the Communications Act of 1934, as amended, former Section 90.113 of the Commission’s Rules and Section 1.903 of the Commission’s Rules.

¹ On February 12, 1999, Section 90.113 of the Commission’s Rules was replaced by Section 1.903 of the Commission’s Rules. See *Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission’s Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services*, WT Docket No. 98-20, 13 FCC Rcd 21027 (1998). The former rule was applicable from November 17, 1997 to February 11, 1999 when the new rules became effective. The new rule is also applicable because Simon Property requested Special Temporary Authority on February 23, 1999.

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules, 47 C.F.R. § 1.80, within thirty (30) days of the release of this Forfeiture Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act, 47 U.S.C. § 504(a). Payment of the forfeiture may be made by credit card through the Commission's Credit and Debt Management Center at (202) 418-1995 or by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct number referenced above. Requests for full payment under installment plans should be sent to: Chief, Credit and Debt Management Center, 445 12th Street, S.W., Washington, D.C. 20554.

5. **IT IS FURTHER ORDERED THAT** a copy of this **FORFEITURE ORDER** shall be sent by Certified Mail, return receipt requested, to Linda D. Simons for Simon Property Group #7323, P.O. Box 7033, Indianapolis, IN 46207.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau