



# NEWS

**Federal Communications Commission**  
**445 12<sup>th</sup> Street, S.W.**  
**Washington, D. C. 20554**

**News Media Information 202 / 418-0500**  
**Internet: <http://www.fcc.gov>**  
**TTY: 1-888-835-5322**

---

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.  
See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

---

**FOR IMMEDIATE RELEASE**  
July 13, 2006

**NEWS MEDIA CONTACT:**  
Janice Wise: (202) 418-8165  
Email: [janice.wise@fcc.gov](mailto:janice.wise@fcc.gov)

## **FCC PROPOSES FORFEITURE IN CONTEXT OF ITS CPNI INVESTIGATION** *Commission proposes maximum forfeiture of \$97,500 against LocateCell*

Washington, D.C. -- The Federal Communications Commission (FCC) today found that LocateCell apparently “willfully or repeatedly” violated a Commission order by failing to provide information and documents required by a subpoena. For this failure, the Commission issued a \$97,500 Notice of Apparent Liability for Forfeiture against LocateCell.

Under the Communications Act of 1934, as amended (Act), any person who is “determined by the Commission to have . . . willfully or repeatedly failed to comply with any provisions of this Act or of any . . . order issued by the Commission under this Act . . . shall be liable to the United States for a forfeiture penalty.” The Commission has authority to require by subpoena the attendance and testimony of witnesses and the production of materials relating to any matter under investigation.

LocateCell received the subpoena as part of the Commission’s investigation into the apparent offering and sale of customer proprietary network information (CPNI) by data brokers. The subpoena sought to determine how LocateCell was able to access sensitive personal subscriber information that telecommunications carriers are obligated to protect under section 222 of the Act and the Commission’s rules.

Specifically, the subpoena required LocateCell to provide information and documents relating to its website advertisement for the sale of consumers’ private telephone records and other customer proprietary network information. The company failed to fully respond to the subpoena and a subsequent Citation. Because LocateCell’s response to the subpoena remains deficient, the Commission proposed the maximum forfeiture for a continuing violation by a non-common carrier of \$97,500.

Action by the Commission July 13, 2006 by NAL (FCC 06-104). Chairman Martin, Commissioners Copps, Adelstein, Tate, and McDowell. Separate statements issued by Chairman Martin, Commissioners Copps, Adelstein, Tate, and McDowell.

Enforcement Bureau Contact: Janice Wise (202) 418-8165

-FCC-