

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

In the Matter of)	
)	
1 st Source Information Specialists, Inc.)	File No. EB-05-TC-059
d/b/a)	
LocateCell.com)	NAL/Acct. No. 200632170005
)	FRN: 0014762439
Apparent Liability for Forfeiture)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: July 13, 2006

Released: July 13, 2006

By the Commission: Chairman Martin, Commissioners Copps, Adelstein, Tate, and McDowell issuing separate statements.

I. INTRODUCTION

1. In this *Notice of Apparent Liability for Forfeiture* (“NAL”),¹ we find that 1st Source Information Specialists, Inc. d/b/a LocateCell.com (hereafter “LocateCell”)² apparently willfully or repeatedly violated a Commission order by failing to respond to the directive of the Enforcement Bureau (“Bureau”) to provide certain information and documents. Based upon our review of the facts and circumstances surrounding this apparent violation, we find that LocateCell is apparently liable for a forfeiture in the amount of \$97,500.

II. BACKGROUND

2. On November 29, 2005, the Bureau served LocateCell with a subpoena requesting documents and information.³ The subpoena, issued pursuant to the authority set forth in sections 151, 403 and 409 of the Communications Act of 1934, as amended (“the Act”),⁴ concerned call detail and other customer proprietary network information (“CPNI”)⁵ that LocateCell may have obtained from telecommunications carriers, despite the requirements of section 222 of the Act,⁶ which imposes a general duty on all carriers

¹47 U.S.C. § 503(b)(1). The Commission has the authority under this section of the Act to assess a forfeiture against any person who has “willfully or repeatedly failed to comply with any of the provisions of this Act or of any rule, regulation, or order issued by the Commission under this Act”

²1st Source Information Specialists, Inc. is a Florida state corporation that owns and operates several websites, including “LocateCell.com.”

³See *Subpoena*, LocateCell.com/1st Source Information Specialists, Inc., Enf. Bureau, Nov. 29, 2005 (*LocateCell Subpoena*). Service of the subpoena was confirmed on that date.

⁴ 47 U.S.C. §§ 151, 403, 409.

⁵CPNI is defined as information that relates to the quantity, technical configuration, type, destination, and amount of use of a telecommunications service subscribed to by a customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the customer-carrier relationship. See 47 U.S.C. § 222; 47 C.F.R. § 64.2003(d).

⁶ 47 U.S.C. § 222. This section provides that: “Every telecommunications carrier has a duty to protect the confidentiality of proprietary information of, and relating to, other telecommunications carriers, equipment

to ensure the confidentiality of their subscribers' CPNI.⁷

3. The Bureau issued its subpoena to LocateCell as part of its investigation into whether carriers have taken adequate steps to ensure that their subscribers' CPNI is protected from unauthorized disclosure. Significantly, it appeared that LocateCell was operating as a third party "data broker" by advertising, on its website, the availability of records of wireless subscribers' incoming and outgoing telephone calls for a fee.⁸ In issuing a subpoena to LocateCell, we 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.

4. The subpoena required LocateCell to produce information and documents responsive to twelve specific requests within 10 days of service of the subpoena. On December 16, 2005, LocateCell provided a partial response to the subpoena, delivering basic corporate documents in response to specifications one through five of the subpoena.⁹ LocateCell indicated that it would provide additional responses to questions six through twelve of the subpoena during the week of December 26, 2005. These questions included the most significant data requests of the subpoena. In particular, the Bureau sought documents and information concerning how LocateCell obtained CPNI from carriers, despite the carriers' obligation to protect these sensitive data. However, LocateCell failed to produce these additional documents.

5. On January 20, 2006, pursuant to section 503(b)(5) of the Act,¹⁰ the Bureau issued a Citation to LocateCell for failure to respond fully to a Commission Order, and required LocateCell to provide complete answers to the subpoena within seven calendar days.¹¹ In its Citation, the Bureau warned LocateCell that, "[i]f, after receipt of the Citation, you continue to refuse to comply with the Commission's orders in any manner described herein, the Commission may impose monetary forfeitures not to exceed \$11,000 for each such violation or each day of a continuing violation, up to a maximum of \$97,500 for a continuing violation."¹²

6. On January 27, 2006, LocateCell filed a Motion for Enlargement of Time to respond to the

(...continued from previous page)

manufacturers, and customers, including telecommunication carriers reselling telecommunications services provided by a telecommunications carrier."

⁷See also 47 C.F.R. § 64.2009 *et seq.*, the Commission's rules implementing section 222 of the Act.

⁸According to a petition for rulemaking filed with the Commission regarding protection of CPNI, some data brokers have taken advantage of carriers' inadequate security standards to gain access to CPNI under false pretenses, such as by posing as the customer and then offering the records for sale on the Internet. See Electronic Privacy Information Center ("EPIC") Petition for Rulemaking at <http://www.epic.org/privacy/iei/>.

⁹In specifications one through five of the subpoena, we directed LocateCell to provide corporate documents, including information concerning the relationship between 1st Source Information Specialists, Inc. and LocateCell.com. We also requested information and documents relating to all websites owned by 1st Source Information Specialists, Inc., and documents relating to toll-free numbers registered to and/or operated by 1st Source Information Specialists, Inc. and LocateCell.com. See *LocateCell Subpoena* at 1.

¹⁰See 47 U.S.C. § 503(b)(5) (stating that the Commission has the authority under this section of the Act to assess a forfeiture penalty against any person who is not a common carrier so long as (A) such person is first issued a citation of the violation charged; (B) is given a reasonable opportunity for a personal interview with an official of the Commission, at the field office of the Commission nearest to the person's place of residence; and (C) subsequently engages in conduct of the type described in the citation).

¹¹See *Citation*, LocateCell.com/1st Source Information Specialists, Inc., Enf. Bureau, Jan. 20, 2006 (*LocateCell Citation*).

¹²See *LocateCell Citation* at 2 (citing 47 U.S.C. § 503(b)(5)).

subpoena, requesting an extension of time until February 3, 2006.¹³ In its Motion, LocateCell also questioned the jurisdiction of the Commission over LocateCell, and stated that it anticipated filing a motion to quash and/or for a protective order. LocateCell recognized, however, that the Commission is not “confined to issuing subpoenas to just those over whom we have jurisdiction.” LocateCell did not provide any additional documents or information on February 3, 2006, and still has not provided any additional responses to the subpoena. LocateCell also has not filed a motion to quash and/or for a protective order.

III. DISCUSSION

A. LocateCell Is Apparently Liable for a Forfeiture for Failing to Comply with an Order of the Commission

7. Section 503(b) of the Act provides in pertinent part that “[a]ny person who is determined by the Commission . . . to have . . . willfully or repeatedly failed to comply with any of the 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.”¹⁴ As detailed above, LocateCell has failed to provide all of the information and documentation that the Bureau ordered it to provide in the subpoena and subsequent Citation. Therefore, we find that LocateCell apparently willfully and repeatedly violated a Commission order.

8. The November 29, 2005 subpoena was properly issued within the Commission’s authority. In sections 4(i), 4(j), and 403 of the Act, Congress afforded the Commission broad authority to institute an inquiry, on its own motion, in any case and as to any matter or thing within its statutory authority.¹⁵ As noted above, the Bureau, on authority delegated by the Commission,¹⁶ issued the subpoena as part of the Commission’s ongoing investigation into whether carriers are complying with their obligations under section 222 of the Act. Section 403 also gives the Commission broad authority to “make and enforce orders” relating to a matter under investigation. Further, sections 4(i) and 4(j) authorize the Commission to “issue such orders . . . as may be necessary in the execution of its functions” and to “conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice.”

9. Further, the Commission has specific authority under sections 1 and 409(e) of the Act, as well as section 0.111 of the Commission’s rules, to require by subpoena the attendance and testimony of witnesses and the production of “all books, papers, schedules of charges, contracts, agreements, and documents relating to any matter under investigation.”¹⁷ Hence, the Bureau was within its authority in requiring LocateCell to provide information and documents relevant to the Commission’s CPNI investigation. Moreover, we note that parties are required to comply with Bureau orders even if they believe them to be outside our authority.¹⁸

10. As noted *supra*, prior to issuing a Notice of Apparent Liability against a non-Commission licensee such as LocateCell, we are obligated under section 503(b)(5) of the Act to issue a Citation describing the violation charged. The non-licensee must be “given a reasonable opportunity for a personal interview with an official of the Commission, at the field office of the Commission which is

¹³See 1st Source Information Specialists, Inc. Motion for Enlargement of Time, filed Jan. 31, 2006.

¹⁴ 47 U.S.C. § 503(b).

¹⁵ 47 U.S.C. §§ 154(i), 154(j), 403.

¹⁶ 47 C.F.R. §0.111.

¹⁷ 47 U.S.C. §§ 151, 409(e).

¹⁸ See *SBC Communications, Inc.*, 17 FCC Rcd 7589, 7591 (2002).

nearest to such person's place of residence." If the non-licensee "subsequently engages in the conduct of the type described in the citation," a Notice of Apparent Liability may be issued. These requirements have been satisfied here. The Bureau issued a Citation to LocateCell on January 20, 2006. The Bureau noted in the Citation that LocateCell could contact the Tampa, Florida field office if it wished to discuss the Citation. The Citation further required LocateCell to respond in full to the subpoena. Subsequently, LocateCell again failed to comply with the obligation to produce information as required by the subpoena and the Citation. Accordingly, we issue this Notice of Apparent Liability finding that LocateCell has apparently willfully and repeatedly violated Commission orders requiring the production of documents and information.

B. Forfeiture Amount

11. Section 503(b) of the Act authorizes the Commission to assess a forfeiture of up to \$11,000 for each violation, or up to \$97,500 for a continuing violation, of the Act or of any rule, regulation or order issued by the Commission under the Act by a non-common carrier or other entity not specifically designated in section 503 of the Act.¹⁹ The Commission may assess this penalty if it determines that the noncompliance is willful or repeated.²⁰ In exercising such authority, we are to 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."²¹

12. The Commission's forfeiture guidelines do not address the specific violation at issue in this proceeding. In determining the proper forfeiture amount in this case, however, we are guided by the critical nature of the matter at issue and the importance of the obligation to protect subscribers' sensitive, proprietary information. Consumers are increasingly concerned about the security of the personal data that they must entrust to their various service providers, whether they are financial institutions or telephone carriers. Given the increasing concerns about security of this data, and evidence that the data appears widely available to third parties, such as LocateCell, we must take aggressive, substantial steps to ensure that this data is protected. LocateCell's failure to respond fully to the Bureau's subpoena, requesting information concerning how LocateCell was able to access sensitive personal, subscriber information that telecommunications carriers are obligated to protect under section 222 of the Act, directly hinders our investigation into this important matter.

13. As set forth above, for failure to respond fully to the subpoena, the Bureau issued a Citation to LocateCell on January 20, 2006, requiring LocateCell to provide complete answers to the subpoena within seven calendar days.²² To date, LocateCell has not provided any additional responses to the subpoena; nor has LocateCell challenged the relevance or scope of the subpoena or claimed that it is unduly burdensome. LocateCell was required to comply with the Citation and produce all documents and information specified in the subpoena by January 27, 2006. LocateCell failed to produce additional documents or information on that date and this failure continues. As stated above, section 503(b)(2)(C) provides for forfeitures of up to \$11,000 for each violation or each day of a continuing violation up to a maximum of \$97,500 for each continuing violation. LocateCell's violation is a continuing one, and based on all the facts and circumstances in this case, we believe the maximum forfeiture amount for the

¹⁹ 47 U.S.C. § 503(b)(2)(C); *see Amendment of Section 1.80 of the Commission's Rules and Adjustment of Forfeiture Maxima to Reflect Inflation*, 15 FCC Rcd 18221 (2000); *Amendment of Section 1.80 of the Commission's Rules and Adjustment of Forfeiture Maxima to Reflect Inflation*, 19 FCC Rcd 10954 (2004) (increasing maximum forfeiture amounts to account for inflation).

²⁰ *See* Footnote 1, *supra*; 47 U.S.C §§ 503(b)(1)(B), (b)(2)(5).

²¹ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Commission's Rules*, 12 FCC Rcd 17087 (1997) ("Forfeiture Policy Statement"); *recon. denied*, 15 FCC Rcd 303 (1999).

²² *LocateCell Citation*.

continuing violation is warranted. Accordingly, we propose a forfeiture of \$97,500 against LocateCell.

14. LocateCell will have an opportunity to submit further evidence and arguments in response to this NAL to show that no forfeiture should be imposed or that some lesser amount should be assessed.²³

IV. CONCLUSION AND ORDERING CLAUSES

15. We conclude that LocateCell apparently willfully or repeatedly violated a Commission order by failing to provide the information and documents the Bureau directed it to provide. Accordingly, a proposed forfeiture in the amount of \$97,500 is warranted against LocateCell for its apparent willful or repeated violations of our directive.

16. ACCORDINGLY, IT IS ORDERED THAT, pursuant to section 503(b) of the Communications Act of 1934, as amended,²⁴ section 1.80 of the Commission's rules,²⁵ and authority delegated by sections 0.111 and 0.311 of the Commission's rules,²⁶ LocateCell IS NOTIFIED OF ITS APPARENT LIABILITY FOR A FORFEITURE in the amount of \$97,500 for willfully or repeatedly failing to respond fully to the Bureau's subpoena, as required by the Citation.

17. IT IS FURTHER ORDERED THAT, pursuant to section 1.80 of the Commission's Rules, within thirty days of the release date of this NOTICE OF APPARENT LIABILITY, LocateCell SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

18. Payment of the forfeiture must be made by check or similar instrument, payable to the order of the Federal Communications Commission. The payment must include the NAL/Acct. No. and FRN No. referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-8340. Payment by overnight mail may be sent to Mellon Bank/LB 358340, 500 Ross Street, Room 1540670, Pittsburgh, PA 15251. Payment by wire transfer may be made to ABA Number 043000261, receiving bank Mellon Bank, and account number 911-6106. Requests for payment of the full amount of this NAL under an installment plan should be sent to Chief, Credit and Management Center, 445 12th Street, S.W., Washington, D.C.

19. IT IS FURTHER ORDERED that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first class mail and certified mail return receipt requested to LocateCell at 7361 Granville Drive, Tamarac, Florida 33321.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

²³ 47 U.S.C § 503(b)(4)(C); 47 C.F.R. § 1.80(f)(3).

²⁴ 47 U.S.C. § 503(b).

²⁵ 47 U.S.C. § 1.80(f)(4).

²⁶ 47 C.F.R. §§ 0.111, 0.311.

**STATEMENT OF
CHAIRMAN KEVIN J. MARTIN**

Re: 1st Source Information Specialists, Inc., d/b/a LocateCell.com, Apparent Liability for Forfeiture, Notice of Apparent Liability for Forfeiture, EB File No. EB-05-TC-059; FRN 0014762439; NAL Acct. No. 200632170005.

As I testified to Congress earlier this year, the Commission is taking numerous steps to protect the privacy of consumers' personal phone records. One of these steps is our current investigation into whether telecommunications carriers are complying with their customer privacy obligations under the Communications Act. Examining how data brokers are able to access consumer call records from these carriers is an integral part of this investigation.

Responding to Commission subpoenas is not optional. We expect that subpoenas, as well as all of our requests for information, will be responded to completely and promptly. Although we propose the maximum forfeiture against LocateCell for its failure to adequately respond, I fear that the amount we propose - \$97,500 - is merely a cost of doing business. As I have said previously, it is my hope that, in the future, our statutory maximum will be increased. If companies such as LocateCell have no incentive to comply with our requests for information, our enforcement processes will be severely compromised.

The Commission remains committed to ensuring that consumers' personal phone data is kept confidential. Our investigation is ongoing. In addition to this investigation, we intend to complete the proceeding we began several months ago that seeks to strengthen the safeguards currently in place to protect customer phone records. The ability of data brokers, such as LocateCell, to engage in the trafficking of these records is a practice that must be stopped.

**SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: 1st Source Information Specialists, Inc., d/b/a LocateCell.com, Apparent Liability for Forfeiture, Notice of Apparent Liability for Forfeiture, EB File No. EB-05-TC-059; FRN 0014762439; NAL Acct. No. 200632170005.

Few rights are so fundamental as the right to privacy in our daily lives – and few are under such constant attack. Americans must have the security of knowing that their private phone records are not for sale. I therefore support our decision today to assess the statutorily maximum forfeiture against a company that has egregiously failed to comply with our subpoena and that must be called to account.

Even though today's decision is a step in the right direction, let's be sure we don't lose sight of the bigger picture here. Data brokers continue to flout the law, invade our privacy, and put each of us at risk. As the Electronic Privacy Information Center (EPIC) demonstrated so forcefully in its petition for rulemaking last summer, data brokers are capable of obtaining a history of calls made to and from a particular phone number, the customer name associated with that number, and perhaps even the geographic location of a mobile phone user. This is an unsettling and entirely intolerable state of affairs. The Commission simply cannot stop until the root problem has been solved. This company's failure to respond to our subpoena about how it came to possess private data underscores just how badly further action is needed.

In order to provide consumers with the level of protection they expect and deserve, I hope we will move on from here to issue rules in the Customer Proprietary Network Information (CPNI) docket that we opened last February. For too long the Commission treated privacy as a "back-burner" issue. It has been four years since the Arizona Corporation Commission initiated a petition regarding dissemination of CPNI to unaffiliated third parties. Last year we reclassified wireline broadband Internet access services but left for another day the chilling question of whether privacy protections even apply to this regulatory remix. It is time to stop putting Americans' digital privacy unnecessarily at risk.

So I hope this decision today signals a commitment to get privacy right for the digital age. Where breaches of data security become easier and more common every day, privacy still has to matter. The Commission's challenge is to catch up with the American people who are demonstrably tired of unlawful violations of their digital privacy. They need our help and they need it now.

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: 1st Source Information Specialists, Inc., d/b/a LocateCell.com, Apparent Liability for Forfeiture, Notice of Apparent Liability for Forfeiture, EB File No. EB-05-TC-059; FRN 0014762439; NAL Acct. No. 200632170005.

Personal privacy is at the heart of our quality of life, as Congress recognized in requiring telecommunications companies to respect their customers' privacy. A consumer's telephone call records include some of the most private personal information about an individual. Not surprisingly, consumers were alarmed when it came to light over the past year that their telephone records were widely available for sale on the Internet, without their knowledge or approval, to anyone with an Internet connection and a credit card. People felt that having their incoming and outgoing calls available for public view was like having their personal diaries exposed. Consumers were outraged to find that others could learn about calls that might expose their business transactions, doctor appointments, and personal interactions.

Strong and consistent Commission enforcement of our consumer privacy rules is critical to restore the protections that consumers expect and that Congress has mandated. This NAL takes aim at one of the apparent purveyors of consumers' private telephone call records for failure to comply with an on-going Commission investigation. LocateCell's willful and repeated failure to fully cooperate with the Commission's subpoena jeopardizes the Commission's investigation, and warrants the maximum penalty for repeated non-compliance with Commission orders. The Commission simply cannot condone failure to cooperate with an investigation that clearly safeguards the public interest.

This NAL must also be part of a larger effort to address the widespread availability of confidential phone records, a phenomenon highlighted in press reports just a few months back estimating that there were dozens of such web sites. Shining a light on the unauthorized sale of telephone records may drive some of these providers off the Internet – a positive first step. Yet, companies like LocateCell appear to slip underground with disquieting ease, which may pose a real challenge for our efforts to assess this forfeiture, and we will need to be vigilant against the ability of bad actors peddling unauthorized telephone records to disappear and later resurface.

Indeed, we have a lot more work to do to ensure that consumers private call records are adequately safeguarded. It is essential that we move ahead with our pending rulemaking on our consumer privacy rules for telephone companies. The mere fact that these records have been so readily available, even though telephone companies are required to have firewalls in place to protect consumers' private information, has raised serious questions about the mechanisms that are in place to safeguard the confidentiality of their consumers' information. So, our pending rulemaking proceeding gives us an important opportunity to find ways to tighten our rules, to ensure that phone companies are employing adequate safeguards, and to provide greater security for these sensitive consumer records. Every provider should be on notice that we are watching closely and will take the action necessary to protect consumers' privacy, and we expect them to do the same.

**STATEMENT OF
COMMISSIONER DEBORAH TAYLOR TATE**

Re: 1st Source Information Specialists, Inc., d/b/a LocateCell.com, Apparent Liability for Forfeiture, Notice of Apparent Liability for Forfeiture, EB File No. EB-05-TC-059; FRN 0014762439; NAL Acct. No. 200632170005.

The brokerage of personal information – whether it be personal identity, financial records, or a list of your phone calls – is intolerable. Six months ago we pledged to do our part to keep consumer’s personal phone data confidential. Today, we keep that promise.

LocateCell was subpoenaed in an effort to determine how it was able to access sensitive, personal subscriber information that telecommunications carriers are obligated to protect. But instead of responding with full candor, LocateCell has willfully and repeatedly ignored the Commission’s most significant data requests. Accordingly, we issue this Notice of Apparent Liability, and propose the maximum forfeiture amount against LocateCell.

The action we take today should reinforce our message to any and all information snatchers – we will continue to be vigilant in enforcing our obligation to protect consumers’ most personal information. The personal records of American consumers are not for sale.

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

Re: 1st Source Information Specialists, Inc., d/b/a LocateCell.com, Apparent Liability for Forfeiture, Notice of Apparent Liability for Forfeiture, EB File No. EB-05-TC-059; FRN 0014762439; NAL Acct. No. 200632170005.

Today's action is just one part of a broader effort by this Commission to ensure the protection of customer proprietary network information ("CPNI") and address concerns that this information may have been improperly made available to third parties in violation of our rules. By issuing this Notice of Apparent Liability, we make clear that we will not tolerate the refusal of companies such as data broker 1st Source Information Specialists, Inc., d/b/a/ LocateCell.com ("LocateCell") to cooperate with lawful requests for information related to alleged violations of our rules. It is critical that we take a firm stand against those that would obstruct the Commission's statutory authority to investigate matters pertaining to CPNI.

LocateCell is not the only company from which the Commission has sought information. Our Enforcement Bureau has been actively investigating a number of these data brokers, many of which have advertised the availability of records of wireless subscribers' incoming and outgoing telephone calls, as well as certain landline toll call records, for a fee. The Bureau is also investigating the alleged failure of carriers to certify compliance with our CPNI rules, and is vigorously pursuing non-compliant companies. These investigations will continue, and I thank the Bureau for its work in moving these initiatives forward.

In addition to these investigatory actions, the Commission is actively engaged in a rulemaking that examines the need for tougher privacy rules, including an analysis of measures proposed by the Electronic Privacy Information Center (EPIC) intended to more adequately protect CPNI. I look forward to closely coordinating with my colleagues on the important issues under consideration in this related proceeding.

The depth and breadth of these undertakings illustrate the seriousness with which the Commission views its role in ensuring the security of CPNI. I commend the Chairman for his steady, reasoned leadership on these multiple fronts.

Like most Americans, I am deeply troubled by reports of companies unlawfully obtaining and marketing personal telephone records. The Commission has a vital obligation to protect the privacy and security of customer telephone records from those entities that would seek to acquire that information through unlawful means. Improperly exposing call records – which indicate who is being called, how long the call lasts, and, in the wireless context, the physical areas within which a given call is placed and delivered – is a grievous invasion into the victim's personal life.

We cannot compromise our ability to protect customers' private telephone records from unauthorized disclosure. We will not tolerate LocateCell's refusal to cooperate with our investigation. For these reasons, I support today's decision to issue a Notice of Apparent Liability to and forfeiture against LocateCell.