

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

In the Matter of)	File No.: EB-11-SE-109
)	
Union Oil Company of California,)	NAL/Acct. No.: 201332100002
a subsidiary of Chevron Corporation)	
)	FRN: 0001535541

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: November 2, 2012

Released: November 2, 2012

By the Commission: Commissioner Pai approving in part and concurring in part.

I. INTRODUCTION

1. In this *Notice of Apparent Liability for Forfeiture*, we find Union Oil Company of California (UOCC), former licensee of Private Land Mobile Radio Service (PLMRS) station WPHA630, Nikiski, Alaska, and Aeronautical and Fixed Advisory (UNICOM) station WAL7, Cook Inlet, Alaska, apparently liable for a forfeiture in the amount of ninety-six thousand two hundred dollars (\$96,200) for its apparent willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (Act),¹ Section 1.903(a) of the Commission's rules (Rules),² and the associated Commission orders requiring licensees to seek authority for any continued operations after license expiration.³ The apparent violations involve UOCC's operation of PLMRS station WPHA630 and UNICOM station WAL7 without the necessary Commission authority for more than six and eight years, respectively, as well as UOCC's associated failure to timely file applications for authority to continue operation of the stations.

II. BACKGROUND

2. UOCC engages in oil and gas exploration and production activities in Alaska's Cook Inlet Basin. UOCC is an indirect, wholly-owned subsidiary of Chevron Corporation (Chevron), a global energy company with substantial business activities in more than 30 countries.⁴ On August 15, 2000, UOCC was granted a license to operate PLMRS station WPHA630 for five years through August 15, 2005.⁵ On May 23, 2005, the Commission's Wireless Telecommunications Bureau (Wireless Bureau)

¹ 47 U.S.C. § 301.

² 47 C.F.R. § 1.903(a).

³ 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*, 13 FCC Rcd 21027, 21071, para. 96 (1998) (*Universal Licensing System Report and Order*) (adopting inter alia Section 1.949 of the Rules); Memorandum Opinion and Order on Reconsideration, 14 FCC Rcd 11476, 11485–86, para. 22 (1999) (*Universal Licensing System MO&O*) (collectively, *Universal Licensing System Orders*).

⁴ See Chevron Corporation (2012), Quarterly Report (Form 10-Q), at 23 (Aug. 2, 2012).

⁵ See Industrial/Business Pool, Conventional License – WPHA630 – Union Oil Company of California, <http://wireless2.fcc.gov/UlsApp/UlsSearch/license.jsp?licKey=1784028>.

sent UOCC a courtesy “renewal reminder” notice for station WPHA630, alerting UOCC that it was required to file a renewal application for the station prior to the expiration of the station’s license if it planned to continue operation.⁶ UOCC failed to file a renewal application for station WPHA630 prior to the license expiration date.

3. On January 21, 1999, UOCC was granted a license to operate UNICOM station WAL7 for five years through January 21, 2004.⁷ On October 27, 2003, the Wireless Bureau sent UOCC a courtesy “renewal reminder” notice for station WAL7, alerting UOCC that it was required to file a renewal application for the station prior to the expiration of the station’s license if it planned to continue operation.⁸ UOCC also failed to file a renewal application for station WAL7 prior to the license expiration date.

4. In the absence of timely filed renewal applications, UOCC’s licenses for stations WPHA630 and WAL7 automatically terminated on their respective expiration dates.⁹ On November 3, 2011, more than six years after the license for WPHA630 expired and nearly eight years after the license for WAL7 expired, UOCC filed with the Wireless Bureau requests for Special Temporary Authority (STA), stating that the licenses for stations WPHA630 and WAL7 “were inadvertently permitted to expire” and that the STAs were necessary to “permit the prompt restoration of authority to operate these internal communications systems.”¹⁰ On November 4, 2011, the Wireless Bureau granted the STA for station WPHA630 until May 2, 2012 under call sign WQOL356.¹¹ On November 7, 2011, the Wireless Bureau granted the STA for station WAL7 until May 5, 2012 under call sign WQOL455.¹²

5. Because it appeared that UOCC operated stations WPHA630 and WAL7 after the expiration of their station licenses, the Wireless Bureau referred this matter to the Enforcement Bureau (Bureau) for investigation and possible enforcement action. On March 28, 2012, the Bureau’s Spectrum Enforcement Division issued a letter of inquiry (LOI) to UOCC, directing the company to submit a sworn written response to a series of questions relating to its failure to file applications for renewal of the WPHA630 and WAL7 licenses and its unauthorized operation of the stations.¹³ UOCC responded to the LOI on June 8, 2012.¹⁴ In its LOI Response, UOCC admits that it continued to operate stations

⁶ See Automated Renewal Reminder Letter from the FCC Wireless Telecommunications Bureau, to Union Oil Company of California, Reference No. 3516315 (May 23, 2005).

⁷ See <http://wireless2.fcc.gov/UlsApp/UlsSearch/license.jsp?licKey=1973906>.

⁸ See Automated Renewal Reminder Letter from the FCC Wireless Telecommunications Bureau, to Union Oil Company of California, Reference No. 2366620 (Oct. 27, 2003).

⁹ See 47 C.F.R. § 1.955(a)(1) (stating that “[a]uthorizations automatically terminate, without specific Commission action, on the expiration date specified therein, unless a timely application for renewal is filed.”).

¹⁰ See File Nos. 0004938962 (WPHA630), 0004938974 (WAL7).

¹¹ See File No. 0004938962. The Wireless Bureau granted the STA without prejudice to any enforcement action related to the unauthorized operation of station WPHA630. See *id.* On November 7, 2011, UOCC filed an application for a new PLMRS station license, which was granted on January 27, 2012, under call sign WQOT721. See File No. 0004940929.

¹² See File No. 0004938974. The Wireless Bureau granted the STA without prejudice to any enforcement action related to the unauthorized operation of station WAL7. See *id.* On November 17, 2011, UOCC filed an application for a new UNICOM station license, which was granted on January 10, 2012, under call sign WQOR719. See File No. 0004958393.

¹³ See Letter from John D. Poutasse, Chief, Spectrum Enforcement Division, FCC Enforcement Bureau, to Jack Richards, Esq., Counsel for Union Oil Company of California (Mar. 28, 2012) (on file in EB-11-SE-109).

¹⁴ See Letter from Jack Richards, Esq., Counsel for Union Oil Company of California, to Susan German, Spectrum Enforcement Division, FCC Enforcement Bureau (June 8, 2012) (on file in EB-11-SE-109) (LOI Response). UOCC (continued....)

WPHA630 and WAL7 after the expiration date of the station licenses.¹⁵ According to UOCC, Chevron personnel discovered the expired licenses on September 27, 2011, during the course of due diligence performed in connection with the sale of UOCC assets in Alaska.¹⁶ UOCC explains that the license for station WPHA630 expired five days after Chevron's August 10, 2005 acquisition of UOCC, at a time when UOCC was transitioning responsibility for the management of the company's FCC licensing to a new individual.¹⁷ UOCC asserts that the license for station WAL7 expired 18 months prior to Chevron's acquisition of UOCC and consequently was not added to Chevron's internal FCC license tracking database.¹⁸

III. DISCUSSION

6. Section 301 of the Act and Section 1.903(a) of the Rules prohibit the use or operation of any apparatus for the transmission of energy or communications or signals by radio except under, and in accordance with, a Commission-granted authorization.¹⁹ Licensees who want to operate after the expiration of their licenses must affirmatively request continued operating authority from the Commission. The *Universal Licensing System Orders* mandate the filing of certain applications to obtain such authority.²⁰

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was granted extensions of time to respond to the LOI. See e-mail from John D. Poutasse, Chief, Spectrum Enforcement Division, FCC Enforcement Bureau, to Jack B. Richards, Counsel for Union Oil Company of California (Apr. 27, 2012, 4:49 EDT) (on file in EB-11-SE-109); e-mail from John D. Poutasse, Chief, Spectrum Enforcement Division, FCC Enforcement Bureau, to Jack B. Richards, Counsel for Union Oil Company of California (May 11, 2012, 4:42 EDT) (on file in EB-11-SE-109).

¹⁵ See LOI Response at 2, 4, 5.

¹⁶ *Id.* at 2, 4. UOCC states that Chevron screens for potentially affected FCC licenses as part of its due diligence procedures for mergers, acquisitions, and divestments. *Id.* at 5-6. According to UOCC, after Chevron's discovery of the expired licenses, Chevron alerted UOCC operational staff in Alaska, who confirmed the unauthorized operation to Chevron on or about October 10, 2011. *Id.* at 2-4.

¹⁷ *Id.* at 3.

¹⁸ *Id.* at 5. According to UOCC, following Chevron's acquisition of UOCC, Chevron engineered and developed an internal FCC license database that integrates data from the Wireless Bureau's ULS database with Chevron's internal license information. *Id.* (also claiming that some of the company's FCC license files may have been erroneously purged or lost in connection with an office relocation in 2002). *Id.* at 3, 4.

¹⁹ 47 U.S.C. § 301; 47 C.F.R. § 1.903(a).

²⁰ Specifically, Section 1.949(a) of the Rules requires that licensees wishing to continue operations file renewal applications for wireless radio stations "no later than the expiration date of the authorization for which renewal is sought, and no sooner than 90 days prior to expiration." 47 C.F.R. § 1.949(a). If a licensee intending continued operations fails to file a timely renewal application, the Commission nevertheless requires such licensee to seek operating authority. See *Universal Licensing System Report and Order*, 13 FCC Rcd at 21071, para. 98 (directing licensees that fail to file timely renewal applications to submit a new application or, if necessary, a request for special temporary operating authority); *Universal Licensing System MO&O*, 14 FCC Rcd at 11485-86, para. 22 (permitting, in the alternative, the acceptance and processing of late filed renewal applications under certain circumstances). In the *Universal Licensing System MO&O*, the Commission expressly held that it could "initiate enforcement action against the licensee both for untimely filing and unauthorized operation between the expiration of the license and the late renewal filing, including, if appropriate, the imposition of fines or forfeitures for these rule violations." *Id.*

7. As a Commission licensee, UOCC was required to maintain its authorizations in order to continue to operate stations WPHA630 and WAL7.²¹ UOCC admitted that it failed to renew its license for station WPHA630, and that it continued to operate the station without Commission authority for more than six years, from August 15, 2005, when the license expired, until November 4, 2011, when its request for STA was granted. UOCC also admitted that it failed to renew its license for station WAL7, and that it continued to operate the station for nearly eight years, from January 21, 2004, when the license expired, until November 7, 2011, when its request for STA was granted. In addition, prior to seeking its STAs, UOCC failed to file any other application for authority to continue operations. By operating stations WPHA630 and WAL7 after the licenses had expired, UOCC apparently violated Section 301 of the Act and Section 1.903(a) of the Rules, and by failing to seek Commission authority for its continued operation of stations WPHA630 and WAL7, UOCC apparently violated the *Universal Licensing System Orders* and associated rules.

8. Section 503(b)(1)(B) of the Act²² and Section 1.80(a) of the Rules²³ provide that any person who willfully or repeatedly fails to comply with the provisions of the Act or the Rules shall be liable for a forfeiture penalty. For purposes of Section 503(b) of the Act, the term “willful” means that the violator knew that it was taking the action in question, irrespective of any intent to violate the Rules, and “repeated” means more than once or for more than one day.²⁴ Based on the record before us, UOCC’s apparent violations of Section 301 of the Act, Section 1.903(a) of the Rules, and the *Universal Licensing System Orders* and associated rules are both willful and repeated.

9. In determining the appropriate forfeiture amount, Section 503(b)(2)(E) of the Act directs us to consider factors such as “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.”²⁵ Section 1.80(b) of the Rules sets a base forfeiture amount of \$10,000 for operation of a station without Commission authority and a base forfeiture amount of \$3,000 for failure to file required forms or information.²⁶ The Commission has held that a licensee’s continued operation without authorization and its failure to timely seek Commission authority for such operations

²¹ As noted above, the *Universal Licensing System Orders* and Commission precedent make clear that if a licensee continues to operate, it has an ongoing duty to seek Commission authority for such operations. *See supra note 20; see also Discussion Radio, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 19 FCC Rcd 7433 (2004). *See also Telrite*, 23 FCC Rcd 7231, 7244, para. 30 (2008); *Compass Global, Inc.*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 6125, 6138, para. 29 (2008); *VCI Company*, Notice of Apparent Liability for Forfeiture and Order, 22 FCC Rcd 15933, 15940, para. 20 (2007). We note that a failure to seek timely operating authority inhibits the Commission’s ability to fulfill its statutory obligations under Sections 301 (maintaining control of radio transmission and use of such channels for limited periods of time), 303 (assigning frequencies), and 307 of the Act (ensuring the fair, efficient and equitable distribution of radio service).

²² 47 U.S.C. § 503(b)(1)(B).

²³ 47 C.F.R. § 1.80(a).

²⁴ *See* 47 U.S.C. § 312(f)(1), (2). *See also Southern California Broad. Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387-88, para. 5 (1991), *recon. denied*, 7 FCC Rcd 3454 (1992) (*Southern California*) (the definitions of willful and repeated contained in the Act apply to violations for which forfeitures are assessed under Section 503(b) of the Act).

²⁵ 47 U.S.C. § 503(b)(2)(E). *See also* 47 C.F.R. § 1.80(b)(6), Note to paragraph (b)(6): Guidelines for Assessing Forfeitures; *Forfeiture Policy Statement*, Report and Order, 12 FCC Rcd 17087, 17100, para. 27 (1997), *recon. denied*, 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*).

²⁶ 47 C.F.R. § 1.80(b). *See also Forfeiture Policy Statement*, 12 FCC Rcd at 17098-99, para. 22 (noting that “[a]lthough we have adopted the base forfeiture amounts as guidelines to provide a measure of predictability to the forfeiture process, we retain our discretion to depart from the guidelines and issue forfeitures on a case-by-case basis, under our general forfeiture authority contained in Section 503 of the Act”).

constitute separate violations and warrant the assessment of separate forfeitures.²⁷ We note that UOCC failed to file either a timely renewal or any other application seeking operating authority. Accordingly, we herein propose separate base forfeiture amounts for UOCC's violations—\$10,000 each for UOCC's continued operation of stations WPHA630 and WAL7 without Commission authority, and \$3,000 each for UOCC's failure to seek Commission authority for stations WPHA630 and WAL7, for a total base forfeiture of \$26,000.

10. Given the totality of the circumstances, and consistent with the *Forfeiture Policy Statement*, we conclude that a significant upward adjustment of the base forfeiture is warranted. In this regard, we recognize that Chevron—UOCC's parent company—is a multi-billion dollar, global enterprise,²⁸ and to ensure that forfeiture liability is a deterrent and not simply a cost of doing business, the Commission has determined that large or highly-profitable companies such as Chevron should expect the assessment of higher forfeitures for violations.²⁹ We are also particularly mindful that UOCC's apparent unlawful operation continued for an extended period of time³⁰—six years in one case and nearly eight years in the other.³¹ In fact, for each station, the period of unauthorized operation exceeded the length of the station's initial license term.³² Consistent with Section 301 of the Act, licensees who find

²⁷ See *Discussion Radio*, 19 FCC Rcd at 7438, para. 15.

²⁸ Chevron—one of the world's six major oil companies—is a U.S. multinational energy corporation and does business worldwide. Chevron's 2011 annual report filed with the Security and Exchange Commission reported gross revenues of \$244.4 billion. See Chevron Corporation (2012), Annual Report, at 2 (Feb. 23, 2012).

²⁹ It is well-established Commission policy to consider the revenues of a violator's parent company. See, e.g. *SM Radio, Inc.*, Order on Review, 23 FCC Rcd 2429, 2433, para. 12 (2008) (citations omitted); *Tesla Exploration, Inc.*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 9808, 9811, para. 10 & n.20 (2012). See also *Forfeiture Policy Statement*, 12 FCC Rcd at 17099-100, paras. 23-24 (cautioning all entities and individuals that, independent from the uniform base forfeiture amounts, the Commission will take into account the subject violator's ability to pay in determining the amount of a forfeiture to guarantee that forfeitures issued against large or highly profitable entities are not considered merely an affordable cost of doing business, and noting that such large or highly profitable entities should expect that the forfeiture amount set out in a Notice of Apparent Liability against them may in many cases be above, or even well above, the relevant base amount). See also *America Movil, S.A.B. de C.V.*, *Parent of Puerto Rico Telephone Company, Inc.*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 8672 (Enf. Bur. 2011) (doubling the base forfeiture due to the company's size and gross revenues); *Fox Television Stations Inc.*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 7074 (Enf. Bur. 2010) (upwardly adjusting the base forfeiture based on the egregiousness of the violation and the company's substantial revenues); *Google Inc.*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 4012 (Enf. Bur. 2012) (upwardly adjusting the base forfeiture due to the deliberate nature of the violation and the company's gross revenues).

³⁰ Specifically, UOCC operated station WPHA630 without authority for more than six years—from August 15, 2005, the date that the license expired, until November 4, 2011, the date that UOCC's STA for station WPHA630 was granted. The apparent unauthorized operation of station WAL7 continued for nearly eight years, from January 21, 2004, the date that the license expired, until November 7, 2011, the date that UOCC's STA for station WAL7 was granted.

³¹ In the past, the Bureau on delegated authority has upwardly adjusted the base forfeiture in cases where the unauthorized operation continued for an extended period of time, in order to avoid creating perverse incentives and to encourage PLMRS and other licensees to monitor their license expiration dates and to timely seek renewal or otherwise take appropriate steps to quickly come into compliance with FCC rules. See *Emigrant Storage*, 27 FCC Rcd 8917, 8920-21, para. 9 (more than nine years of unauthorized operation); *BASF Corporation* at 17303-04, para. 11 (five years of unauthorized operation); *Shubat Transportation* at 3786, para. 13 (six years of unauthorized operation); *Call Mobile*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 74, 77, para. 12 (Enf. Bur. 2011) (response pending) (*Call Mobile*) (two and one-half years of unauthorized operation).

³² While Section 503(b)(6) of the Act generally bars the Commission from proposing a forfeiture for violations that occurred more than a year prior to the issuance of an NAL, we may consider the fact that UOCC's misconduct occurred over an extended period (during the more than six year period between 2004 and 2011) to place "the
(continued....)

themselves out of compliance with the licensing requirements should immediately cease unauthorized operation or seek temporary operating authority.

11. We also decline to downward adjust the forfeiture on the grounds that the violations resulted from a lack of knowledge of the expired licenses or a change in personnel.³³ As the Commission has emphasized, “[a]ll licensees are responsible for knowing the terms of their licenses and for filing a timely renewal application if they seek to operate beyond that term.”³⁴ In the absence of a timely renewal application, the Commission has clarified that some request for operating authority must be filed, noting that its “treatment of late-filed renewal applications should take into consideration the complete facts and circumstances involved.”³⁵ It is also well established that administrative oversight or inadvertence is not a mitigating factor.³⁶ UOCC and Chevron are sophisticated licensees who, by their own admission, were well aware of the fundamental licensing requirements imposed by Section 301 of the Act.³⁷ Any initial transition issues related to Chevron’s 2005 acquisition of UOCC do not explain the subsequent six- and eight-year periods of unauthorized operation. In addition, notwithstanding the significant resources at its disposal, UOCC took more than five weeks (after discovery of the expired licenses) to seek temporary authority to operate the stations, during which time the apparent unlawful operation continued. This additional period of noncompliance followed two license renewal reminders several years earlier and a specific inquiry from UOCC’s parent company about the expired licenses, all of which should have highlighted the need for immediate action. Based on all the factors and evidence, including the extended duration of the violations and UOCC’s ability to pay, we propose an aggregate forfeiture of \$96,200.

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violations in context, thus establishing the licensee’s degree of culpability and the continuing nature of the violations.” *Roadrunner Transportation Inc.*, Forfeiture Order, 15 FCC Rcd 9669, 9671-72, para. 8 (2000); *see also BASF Corporation*, 25 FCC Rcd at 17302, para 9; *Call Mobile*, 26 FCC Rcd at 76, para 10. The apparent unlawful operation in this case continued from April 15, 2005 (the WPHA630 license expiration date) through November 7, 2011 (the date of the STA grant) and from January 21, 2004 (the WAL7 license expiration date) through November 17, 2011 (the date of the STA grant). Therefore, the forfeiture amount we propose herein relates to UOCC’s apparent continuing violations that ceased during the past year.

³³ See LOI Response at 2-3, 4 (stating that Chevron was not aware that UOCC had continued operating stations WPHA630 and WAL7 until such operations were confirmed by UOCC on or about October 10, 2011).

³⁴ *Universal Licensing Report and Order*, 13 FCC Rcd at 21071, para 96; *see* 47 C.F.R. § 1.949(a). *See also Emigrant Storage*, 27 FCC Rcd at 8920-21, para. 9 (claiming that it failed to renew the license for PLMRS station WPKM212 and stating that the violation resulted from oversight and a change in personnel); *Profit Enterprises, Inc.*, Forfeiture Order, 8 FCC Rcd 2846, 2846, para. 5 (1993) (denying the mitigation claim of a manufacturer/distributor who thought that the equipment certification and marketing requirements were inapplicable, stating that its “prior knowledge or understanding of the law is unnecessary to a determination of whether a violation existed ... ignorance of the law [is not] a mitigating factor”); *Lakewood Broad. Serv., Inc.*, Memorandum Opinion and Order, 37 FCC 2d 437, 438, para. 6 (1972) (denying a mitigation claim of a broadcast licensee who asserted an unfamiliarity with the station identification requirements, stating that licensees are expected “to know and conform their conduct to the requirements of our Rules”); *Kenneth Paul Harris, Sr.*, Notice of Apparent Liability for Forfeiture, 15 FCC Rcd 12933, 12935-36, para. 7 (Enf. Bur. 2000) (denying a mitigation claim of a broadcast licensee, stating that its ignorance of the law did not excuse the unauthorized transfer of the station); *Maxwell Broad. Group, Inc.*, Memorandum Opinion and Order, 8 FCC Rcd 784, 784, para. 2 (Mass Med. Bur. 1993) (denying a mitigation claim of a noncommercial broadcast licensee, stating that the excuse of “inadverten[ce], due to inexperience and ignorance of the rules ... are not reasons to mitigate a forfeiture” for violation of the advertisement restrictions).

³⁵ *See Universal Licensing System MO&O*, 14 FCC Rcd at 11485, para 22.

³⁶ *See Southern California*, 6 FCC Rcd at 4387, para. 3 (stating that “‘inadvertence’ ... is at best, ignorance of the law, which the Commission does not consider a mitigating circumstance”).

³⁷ *See* 47 U.S.C. § 301.

IV. ORDERING CLAUSES

12. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act³⁸ and Sections 0.111, 0.311 and 1.80 of the Rules,³⁹ Union Oil Company of California **IS** hereby **NOTIFIED** of its **APPARENT LIABILITY FOR A FORFEITURE** in the amount of ninety-six thousand two dollars (\$96,200) for willful and repeated violation of Section 301 of the Act,⁴⁰ Section 1.903(a) of the Rules,⁴¹ and the *Universal Licensing System Orders* and associated rules.⁴²

13. **IT IS FURTHER ORDERED** that, pursuant to Section 1.80 of the Rules,⁴³ within thirty (30) calendar days of the release date of this *Notice of Apparent Liability for Forfeiture*, Union Oil Company of California **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 14 below.

14. Payment of the forfeiture must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account number and FRN referenced above. Union Oil Company of California shall send electronic notification of payment to Josh Zeldis and Ricardo Durham at Josh.Zeldis@fcc.gov and Ricardo.Durham@fcc.gov on the date said payment is made. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.⁴⁴ When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

³⁸ 47 U.S.C. § 503(b).

³⁹ 47 C.F.R. §§ 0.111, 0.311, 1.80.

⁴⁰ 47 U.S.C. § 301.

⁴¹ 47 C.F.R. § 1.903(a).

⁴² See *supra* note 3.

⁴³ *Id.* § 1.80.

⁴⁴ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

15. Any request for full payment under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, SW, Room 1-A625, Washington, DC 20554. If you have questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e mail, ARINQUIRIES@fcc.gov.

16. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to Sections 1.80(f)(3) and 1.16 of the Rules.⁴⁵ The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554, ATTN: Enforcement Bureau – Spectrum Enforcement Division, and must include the NAL/Account Number referenced in the caption. The statement must also be emailed to Josh Zeldis at Josh.Zeldis@fcc.gov and to Ricardo Durham at Ricardo.Durham@fcc.gov. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner’s current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation.

17. **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 Jack Richards, Esq., Counsel for Union Oil Company of California, Keller and Heckman LLP, 1001 G Street, NW, Suite 500 West, Washington, DC 20001.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁴⁵ 47 C.F.R. §§ 1.80(f)(3), 1.16.