

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

In the Matter of)	
)	
Upper Peninsula Communications Inc.)	File No.: EB-10-DT-0352
)	
Physical System ID# 002477)	NAL/Acct. No.: 201232360001
)	
Powers, Michigan)	FRN: 0003772886

FORFEITURE ORDER

Adopted: May 14, 2012

Released: May 14, 2012

By the Regional Director, Northeast Region, Enforcement Bureau:

1. In this Forfeiture Order (Order), we issue a monetary forfeiture in the amount of eight thousand dollars (\$8,000) to Upper Peninsula Communications Inc. (Upper Peninsula)¹, former operator of a cable television system in Powers, Michigan, for willfully and repeatedly violating Section 11.35(a) of the Commission's rules (Rules)² by failing to install emergency alert system (EAS) equipment.

2. On October 18, 2011, the Enforcement Bureau's Detroit Office issued a Notice of Apparent Liability for Forfeiture (NAL) in the amount of \$8,000 to Upper Peninsula.³ Upper Peninsula has not filed a response to the NAL.⁴ Based on the information before us, we affirm the forfeiture.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended,⁵ and Sections 0.111, 0.204, 0.311 and 1.80(f)(4) of the Commission's rules,⁶ Upper Peninsula Communications, Inc. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$8,000 for violations of Section 11.35(a) of the Commission's rules.⁷

4. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Commission's rules within thirty (30) calendar days of the release of this Order. If the forfeiture is not

¹ Upper Peninsula reported to an FCC agent that the sale of the system serving Powers, Michigan to Packerland Broadband was consummated on February 1, 2011. Upper Peninsula, however, still owns other cable systems in Michigan.

² 47 C.F.R. § 11.35.

³ *Upper Peninsula Communications Inc.*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 14370 (Enf. Bur. 2011).

⁴ Although the Detroit Office granted Upper Peninsula's request for an extension of time until January 12, 2012, in which to file a response to the NAL, Upper Peninsula never submitted a response. See Letter from Louis H. Goldman, Counsel for Upper Peninsula, to James A. Bridgewater, District Director, Detroit Office, Northeast Region, Enforcement Bureau, dated November 21, 2011.

⁵ 47 U.S.C. § 503(b).

⁶ 47 C.F.R. §§ 0.111, 0.204, 0.311, 1.80(f)(4).

⁷ 47 C.F.R. § 11.35(a).

paid within the period specified, the case may be referred to the Department of Justice for enforcement pursuant to section 504(a) of the Act.⁸ 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/Account Number and FRN Number referenced above. Payment by check or money order may be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000. Payment by overnight mail may be sent to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101. Payments by wire transfer may be made to ABA Number 021030004, receiving bank TREAS/NYC, and account number 27000001. For payment by credit card, an FCC Form 159 (Remittance Advice) must be submitted. FCC Form 159 may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>. When completing the FCC Form 159, enter the NAL/Account number in block number 23A (call sign/other ID), and enter the letters “FORF” in block number 24A (payment type code). Requests for full payment under an installment plan should be sent to: Chief Financial Officer -- Financial Operations, 445 12th Street, S.W., Room 1-A625, Washington, D.C. 20554. Please contact the Financial Operations Group Help Desk at 1-877-480-3201 or Email: ARINQUIRIES@fcc.gov with any questions regarding payment procedures. Upper Peninsula Communications, Inc. shall also send electronic notification on the date said payment is made to NER-Response@fcc.gov.

5. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by both First Class Mail and Certified Mail, Return Receipt Requested, to Upper Peninsula Communications, Inc. at its address of record.

FEDERAL COMMUNICATIONS COMMISSION

G. Michael Moffitt
Regional Director, Northeast Region
Enforcement Bureau

⁸ 47 U.S.C. § 504(a).