

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

In the Matter of)	
)	File No.: EB-SED-14-00013342 ¹
Westlink Communications, LLC, a wholly-owned subsidiary of United Wireless Communications, Inc.)	NAL/Acct. No.: 201432100008
)	FRN: 0002315224

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: February 12, 2014

Released: February 12, 2014

By the Chief, Spectrum Enforcement Division, Enforcement Bureau:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture, we propose a forfeiture in the amount of five thousand dollars (\$5,000) against Westlink Communications, LLC, a wholly-owned subsidiary of United Wireless Communications, Inc. (Westlink).² We find that Westlink apparently willfully and repeatedly violated the digital wireless handset hearing aid compatibility status report filing requirements set forth in Section 20.19(i)(1) of the Commission's rules (Rules).³

II. BACKGROUND

2. In the 2003 *Hearing Aid Compatibility Order*, the Commission adopted several measures to enhance the ability of consumers with hearing loss to access digital wireless telecommunications.⁴ The Commission established technical standards that digital wireless handsets must meet to be considered

¹ The investigation initiated under File No. EB-SED-13-00012379 was subsequently assigned File No. EB-SED-14-00013342. Any future correspondence with the Commission concerning this matter should refer to the new case number.

² Westlink is a Tier III wireless service provider that provides service in Kansas. Tier III carriers are non-nationwide wireless radio service providers with 500,000 or fewer subscribers as of the end of 2001. *See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, Phase II Compliance Deadlines for Non-Nationwide CMRS Carriers*, Order to Stay, 17 FCC Rcd 14841, 14847-48, paras. 22-24 (2002). At the time Westlink's hearing aid compatibility status report was due to be filed, Westlink was a wholly-owned subsidiary of High Plains Telecommunications, Inc. (High Plains), which was a wholly-owned subsidiary of the Pioneer Telephone Association, Inc. d/b/a Pioneer Communications. On August 28, 2013, the Commission granted its consent to the transfer of control of Westlink from High Plains to United Wireless Communications, Inc. (United Wireless). *See Universal Licensing System File No. 0005651265*, filed by United Wireless Communications, Inc. (filed Mar. 21, 2013).

³ 47 C.F.R. § 20.19(i)(1).

⁴ *See Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, Report and Order, 18 FCC Rcd 16753 (2003), Erratum, 18 FCC Rcd 18047 (2003), Order on Reconsideration and Further Notice of Proposed Rulemaking, 20 FCC Rcd 11221 (2005) (*Hearing Aid Compatibility Order*). The Commission adopted these requirements for digital wireless telephones under the authority of the Hearing Aid Compatibility Act of 1988, Pub. L. No. 100-394, 102 Stat. 976 (codified at 47 U.S.C. §§ 609 note, 610, 610 note).

compatible with hearing aids operating in acoustic coupling and inductive coupling (telecoil) modes.⁵ Specifically, the Commission adopted a standard for radio frequency interference (the M3 rating) to enable acoustic coupling between digital wireless phones and hearing aids operating in acoustic coupling mode, and a separate standard (the T3 rating) to enable inductive coupling with hearing aids operating in telecoil mode.⁶ In the 2008 *Hearing Aid Compatibility First Report and Order*, the Commission established various deadlines by which manufacturers and service providers were required to offer specified numbers of digital wireless handset models rated hearing aid-compatible.⁷

3. The Commission also adopted reporting requirements to ensure that it could monitor the availability of hearing aid-compatible handsets and to provide valuable information to the public concerning the technical testing and commercial availability of these handsets.⁸ The Commission initially required manufacturers and digital wireless service providers to report every six months on efforts toward compliance with the hearing aid compatibility requirements for the first three years of implementation, and then annually thereafter through the fifth year of implementation.⁹ In its 2008 *Hearing Aid*

⁵ See *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16777, 16779, paras. 56, 63; see also 47 C.F.R. § 20.19(b)(1)-(2). The *Hearing Aid Compatibility Order* described the acoustic coupling and inductive coupling (telecoil) modes as follows:

In acoustic coupling mode, the microphone picks up surrounding sounds, desired and undesired, and converts them into electrical signals. The electrical signals are amplified as needed and then converted back into sound by the hearing aid speaker. In telecoil mode, with the microphone turned off, the telecoil picks up the audio signal-based magnetic field generated by the voice coil of a dynamic speaker in hearing aid-compatible telephones, audio loop systems, or powered neck loops. The hearing aid converts the magnetic field into electrical signals, amplifies them as needed, and converts them back into sound via the speaker. Using a telecoil avoids the feedback that often results from putting a hearing aid up against a telephone earpiece, can help prevent exposure to over amplification, and eliminates background noise, providing improved access to the telephone.

18 FCC Rcd at 16763, para. 22.

⁶ See 47 C.F.R. § 20.19(b). As subsequently amended, Section 20.19(b)(1) of the Rules provided that, for the period beginning January 1, 2010, a wireless handset is deemed hearing aid-compatible for radio frequency interference if, at a minimum, it meets the M3 rating associated with the technical standard set forth in the standard document, “American National Standard Methods of Measurement of Compatibility between Wireless Communication Devices and Hearing Aids,” ANSI C63.19-2007 (June 8, 2007) (ANSI C63.19-2007), except that grants of certification issued before January 1, 2010, under earlier versions of ANSI C63.19 remain valid for hearing aid compatibility purposes. 47 C.F.R. § 20.19(b)(1). Section 20.19(b)(2) provided that, for the period beginning January 1, 2010, a wireless handset is deemed hearing aid-compatible for inductive coupling if, at minimum, it meets the T3 rating associated with the technical standard set forth in ANSI C63.19-2007, except that grants of certification issued before January 1, 2010, under earlier versions of ANSI C63.19 remain valid for hearing aid compatibility purposes. 47 C.F.R. § 20.19(b)(2). Effective August 16, 2012, a further amendment to Section 20.19(b) permits manufacturers to test handsets for hearing aid compatibility using the 2011 version of the ANSI standard, ANSI C63.19-2011, as an alternative to ANSI C63.19-2007. See *Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets*, Third Report and Order, 27 FCC Rcd 3732 (WTB/OET 2012).

⁷ See *Amendment of the Commission’s Rules Governing Hearing Aid-Compatible Mobile Handsets*, First Report and Order, 23 FCC Rcd 3406, 3418–20, paras. 35–36 (2008), Order on Reconsideration and Erratum, 23 FCC Rcd 7249 (2008) (*Hearing Aid Compatibility First Report and Order*).

⁸ *Id.* at 3443, para. 91; see also 47 C.F.R. § 20.19(i).

⁹ *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16787, para. 89; see also *Wireless Telecommunications Bureau Announces Hearing Aid Compatibility Reporting Dates for Wireless Carriers and Handset Manufacturers*, Public Notice, 19 FCC Rcd 4097 (Wireless Tel. Bur. 2004).

Compatibility First Report and Order, the Commission indefinitely extended these reporting requirements with certain modifications.¹⁰

4. Westlink failed to timely file its hearing aid compatibility status report for the period January 1, 2012, through December 31, 2012. The required report was due on January 15, 2013.¹¹ Westlink contacted the Commission's Wireless Telecommunications Bureau (Wireless Bureau) on February 12, 2013, regarding its failure to file the hearing aid compatibility status report. The Wireless Bureau then opened filing windows to submit the overdue report.¹² Westlink ultimately filed its status report on March 19, 2013.¹³ The Wireless Bureau subsequently referred Westlink's apparent violation of the hearing aid compatibility status report filing requirement to the Enforcement Bureau (Bureau).

5. On December 9, 2013, the Bureau's Spectrum Enforcement Division issued a letter of inquiry (LOI) to Westlink, directing the company to submit a sworn written response to a series of questions relating to Westlink's failure to timely file its hearing aid compatibility status report by the January 15, 2013 deadline.¹⁴ Westlink responded to the LOI on December 30, 2013.¹⁵ In its LOI Response, Westlink admits that it did not timely file its hearing aid compatibility status report, stating that the failure resulted from a change in personnel and the subsequent transfer of responsibilities for Westlink's hearing aid compatibility compliance to another employee.¹⁶ Westlink asserts that after it discovered its failure to file the required report in early February 2013, it promptly notified the Wireless Bureau that it had not met the filing deadline and requested a new filing window to permit the late filing of the report.¹⁷

III. DISCUSSION

A. Failure to Timely File Hearing Aid Compatibility Status Report

6. Section 20.19(i)(1) of the Rules requires service providers to file hearing aid compatibility status reports.¹⁸ These reports are necessary to enable the Commission to perform its

¹⁰ See *Hearing Aid Compatibility First Report and Order*, 23 FCC Rcd at 3444–46, paras. 97–99, 101. The extensions of these reporting requirements became effective on December 13, 2011. See 76 Fed. Reg. 77,415 (Dec. 13, 2011).

¹¹ Service providers are required to file their hearing aid compatibility status reports on January 15th of each year. 47 C.F.R. § 20.19(i)(1); see also *Hearing Aid Compatibility Status Reporting*, <http://wireless.fcc.gov/hac>.

¹² The opening of a new filing window does not constitute an extension of time to file an otherwise late-filed hearing aid compatibility status report.

¹³ See *Westlink Communications*, Hearing Aid Compatibility Report (Mar. 19, 2013), http://wireless.fcc.gov/hac_documents/130411/7447238_324.PDF (last visited on Jan. 28, 2014).

¹⁴ See Letter from John D. Poutasse, Chief, Spectrum Enforcement Division, FCC Enforcement Bureau, to Catherine Moyer, Chief Executive Officer and General Manager, Westlink Communications, LLC dba Pioneer Communications (Dec. 9, 2013) (on file in EB-SED-14-00013342).

¹⁵ See Letter from Kenneth C. Johnson and Anthony K. Veach, Bennet & Bennet, PLLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (Dec. 30, 2013) (on file in EB-SED-14-00013342) (LOI Response).

¹⁶ *Id.* at 2. Westlink also explains that the confusion within the company over who was responsible for filing Westlink's status report was exacerbated by the pending sale of the company to United Wireless. *Id.*

¹⁷ *Id.* The Wireless Bureau initially opened a filing window for Westlink on February 13–14, 2013; then again on February 26–27, 2013; and then again on March 19–20, 2013. According to Westlink, the company was unable to file its status report during the February 13–14 and February 26–27, 2013 filing windows, because of technical difficulties with the FCC's website. *Id.*

¹⁸ 47 C.F.R. § 20.19(i)(1).

enforcement function and to evaluate whether Westlink is in compliance with Commission mandates that were adopted to facilitate the accessibility of hearing aid-compatible wireless handsets. These reports also provide valuable information to the public concerning the technical testing and commercial availability of hearing aid-compatible handsets.¹⁹ As the record in this case reflects, Westlink failed to timely file the hearing aid compatibility status report due on January 15, 2013, in apparent willful²⁰ and repeated²¹ violation of Section 20.19(i)(1) of the Rules.²²

B. Proposed Forfeiture

7. Under Section 503(b)(1)(B) of 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 provision of the Act or any rule, regulation, or order issued by the Commission shall be liable to the United States for a forfeiture penalty.²³ To impose such a forfeiture penalty, the Commission must first issue a notice of apparent liability for forfeiture and the person against whom such notice has been issued must have an opportunity to show, in writing, why no such forfeiture penalty should be imposed.²⁴ The Commission will then issue a forfeiture if it finds by a preponderance of the evidence that the person has

¹⁹ *Hearing Aid Compatibility First Report and Order*, 23 FCC Rcd at 3446, para. 98 (stating that a handset model's hearing aid compatibility rating, among other relevant information, "should be readily available to service providers either from the manufacturer's previous reports to the Commission, from the manufacturer's own website, or from the manufacturer directly"). We note, however, that the Commission's Equipment Authorization System is the most reliable source for information on a handset's hearing aid compatibility rating. The Equipment Authorization System is an electronic database of all equipment certified under Commission authority. The database identifies the hearing aid compatibility rating of each handset by FCC ID, as reported by the handset manufacturer in test reports submitted to the Commission at the time of an equipment authorization or of any modification to such authorization. See <http://transition.fcc.gov/oet/ea/fccid/>.

²⁰ Section 312(f)(1) of the Act defines "willful" as "the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate" the law. 47 U.S.C. § 312(f)(1). The legislative history of Section 312 clarifies that this definition of willful applies to Sections 312 and 503 of the Act, H.R. Rep. No. 97-765 (1982) (Conf. Rep.), and the Commission has so interpreted the term in the Section 503(b) context. See *So. Cal. Broad. Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387-88, para. 5 (1991), *recons. denied*, 7 FCC Rcd 3454 (1992) (*Southern California*). In the context of a forfeiture action, "willful" does not require a finding that the rule violation was intentional. See, e.g., *Tidewater Communications, LLC*, Order on Review, 25 FCC Rcd 1675, 1676, para. 5 (2010) ("To be willful, the violator must consciously commit or omit certain actions and need not be aware that such actions violate the Rules."); *Southern California*, 6 FCC Rcd at 4388, para. 5 (holding that, consistent with the Congressional record accompanying the 1982 amendments to the Act, a "willful" violation need not be intentional); *Princess K Fishing Corp.*, Forfeiture Order, 24 FCC Rcd 2606, 2608-09, para. 8 (Enf. Bur. 2009) (stating that a licensee need not have the *mens rea* to commit a violation in order for a violation to be "willful"), *recons. dismissed*, Memorandum Opinion and Order, 27 FCC Rcd 4707 (Enf. Bur. 2012).

²¹ Section 312(f)(2) of the Act, which also applies to forfeitures assessed pursuant to Section 503(b) of the Act, defines "repeated" as "the commission or omission of [any] act more than once or, if such commission or omission is continuous, for more than one day." 47 U.S.C. § 312(f)(2); see also *Southern California*, 6 FCC Rcd at 4388, para. 5. Failure to file these reports can have an adverse impact on the Commission's ability to ensure the commercial availability of hearing aid-compatible digital wireless handsets, to the detriment of consumers. As we have previously stated, the failure to file a hearing aid compatibility status report constitutes a continuing violation that persists until the violation is cured. See *American Samoa Telecommunications Authority*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 16432, 16437, para. 11 (Enf. Bur. 2008), *forfeiture ordered*, Forfeiture Order, 27 FCC Rcd 13174 (Enf. Bur. 2012) (forfeiture paid) (*ASTCA*).

²² 47 C.F.R. § 20.19(i)(1).

²³ 47 U.S.C. § 503(b)(1)(B); see also 47 C.F.R. § 1.80(a).

²⁴ 47 U.S.C. § 503(b); 47 C.F.R. § 1.80(f).

violated the Act or the Rules.²⁵ We conclude that Westlink is apparently liable for a forfeiture for its failure to timely file the required hearing aid compatibility status report in apparent willful and repeated violation of Section 20.19(i)(1) of the Rules.²⁶

8. The Commission's *Forfeiture Policy Statement* and Section 1.80(b) of the Rules set a base forfeiture amount of \$3,000 for the failure to file required forms or information.²⁷ While the base forfeiture requirements are guidelines lending some predictability to the forfeiture process, the Commission retains the discretion to depart from these guidelines and issue forfeitures on a case-by-case basis under its general forfeiture authority in Section 503 of the Act.²⁸

9. We have exercised our discretion to set a higher base forfeiture amount for violations of the wireless hearing aid compatibility reporting requirements. In *ASTCA*, we found that the status reports are essential to implement and enforce the hearing aid compatibility rules.²⁹ The Commission relies on these reports to provide consumers with information regarding the technical specifications and commercial availability of hearing aid-compatible digital wireless handsets and to ensure that the digital wireless industry meets the needs of the increasing number of consumers with hearing loss.³⁰ In an analogous context, we noted that when setting an \$8,000 base forfeiture for violations of the hearing aid-compatible handset labeling requirements, the Commission emphasized that consumers with hearing loss could only take advantage of critically important public safety benefits of digital wireless services if they had access to accurate information regarding hearing aid compatibility features of handsets.³¹ We also noted that the Commission has adjusted the base forfeiture upward when noncompliance with filing requirements interferes with the accurate administration and enforcement of Commission rules.³² Because the failure to file hearing aid compatibility status reports implicates similar public safety and enforcement concerns, we exercised our discretionary authority and established a base forfeiture amount of \$6,000 for failure to file a hearing aid compatibility report.³³ Consistent with *ASTCA*, we believe the \$6,000 base forfeiture for violation of the hearing aid compatibility reporting requirement should apply here.

10. The \$6,000 base forfeiture, however, is subject to adjustment. In assessing forfeitures, Section 503(b)(2)(E) of the Act requires that we 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."³⁴ In its LOI Response, Westlink states that the failure to timely file its status report was due to a change in personnel and the resulting transfer of responsibilities for Westlink's hearing aid compatibility compliance.³⁵ It is well established,

²⁵ See, e.g., *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591, para. 4 (2002).

²⁶ 47 C.F.R. § 20.19(i)(1).

²⁷ See *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17113, Appendix A, Section I, *recons. denied*, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*); 47 C.F.R. § 1.80.

²⁸ See *Forfeiture Policy Statement*, 12 FCC Rcd at 17099, 17101, paras. 22, 29; see also 47 C.F.R. § 1.80.

²⁹ See *ASTCA*, 23 FCC Rcd at 16436–37, para. 10.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ 47 U.S.C. § 503(b)(2)(E).

³⁵ LOI Response at 2.

however, that administrative oversight or inadvertence is not a mitigating factor warranting a downward adjustment of a forfeiture.³⁶ Similarly, a violator's lack of knowledge or erroneous belief does not warrant a forfeiture's downward adjustment.³⁷ In addition, we have declined to downwardly adjust a forfeiture based on claims that changes in personnel contributed to the violation.³⁸ The severity of Westlink's apparent violation, however, is mitigated by its prompt voluntary disclosure to Commission staff of the failure to timely file and its remedial efforts, both of which preceded the Bureau's investigation and the initiation of enforcement action.³⁹ As such, we find that, based on the particular circumstances of this case, some reduction of the forfeiture is appropriate.⁴⁰ In view of all the factual circumstances presented, and having considered the statutory factors enumerated above, we propose a forfeiture in the amount of \$5,000 against Westlink for failing to timely file its hearing aid compatibility status report for the period ending December 31, 2012, by the January 15, 2013 deadline, in apparent willful and repeated violation of Section 20.19(i)(1) of the Rules.⁴¹

IV. ORDERING CLAUSES

11. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended, and Sections 0.111, 0.311, and 1.80 of the Commission's rules,⁴² Westlink Communications, LLC is **NOTIFIED** of its **APPARENT LIABILITY FOR A FORFEITURE** in the

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

³⁷ See, e.g., *Profit Enterprises, Inc.*, 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 Broadcasting Service, Inc.*, 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").

³⁸ See, e.g., *Emigrant Storage LLC*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 8917, 8920 (Enf. Bur. 2012) (declining to downwardly adjust a forfeiture based on company's claims that the violation resulted from oversight and a change in personnel).

³⁹ See 47 C.F.R. § 1.80(b)(8), Note to Paragraph (b)(8): *Adjustment Criteria for Section 503 Forfeitures* (establishing "good faith or voluntary disclosure" as a downward adjustment factor). The *Forfeiture Policy Statement* affords us discretion to adjust forfeitures downward in cases of voluntary disclosure. See *Forfeiture Policy Statement*, 12 FCC Rcd at 17100-01, para. 27; 47 C.F.R. § 1.80. But the *Forfeiture Policy Statement* neither explains what constitutes voluntary disclosure nor establishes a particular downward adjustment percentage. *Forfeiture Policy Statement*, 12 FCC Rcd at 17100, para. 26 (expressly declining to prescribe the amount of the voluntary disclosure adjustment and explaining instead that the adjustment must reflect "the unique facts of each case"). We emphasize the public interest benefits of express, non-dilatory, and factually detailed noncompliance disclosures provided to the Enforcement Bureau and coupled with immediate corrective action. In this case, Westlink states that it discovered the violation approximately three weeks after the January 15, 2013 filing deadline, and that it notified the Commission of the error on February 12, 2013. LOI Response at 2. This type of voluntary disclosure can expedite resolution of the resulting enforcement proceeding, and yield tangible benefits to the disclosing party in terms of the forfeiture penalty applied. Of course, the forfeiture we adopt in any particular case will always entail our exercise of discretion based on the particular circumstances before us.

⁴⁰ Although we can upwardly adjust a forfeiture based on the violation's duration (see 47 C.F.R. § 1.80(b)), we refrain from doing so in this case based on the particular facts and circumstances. See, e.g., *Northeast Telephone Services, Inc.*, Notice of Apparent Liability for Forfeiture, 28 FCC Rcd 13611, 13616 n.35 (Enf. Bur. 2013).

⁴¹ 47 C.F.R. § 20.19(i)(1).

⁴² 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.111, 0.311, 1.80.

amount of five thousand dollars (\$5,000) for willful and repeated violation of Section 20.19(i)(1) of the Commission's rules.⁴³

12. **IT IS FURTHER ORDERED** that, pursuant to Section 1.80 of the Commission's rules, within thirty (30) calendar days after the release date of this Notice of Apparent Liability for Forfeiture, Westlink Communications, LLC **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 15 below.

13. The 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. Westlink Communications, LLC shall send electronic notification of payment to Pamera Hairston at Pamera.Hairston@fcc.gov, Paul Noone at Paul.Noone@fcc.gov, and Samatha Peoples at Sam.Peoples@fcc.gov on the date 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 Westlink Communications, LLC should follow based on the form of payment it selects:

- 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.

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

15. 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 Commission's rules.⁴⁵ The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554, ATTN: Enforcement Bureau—Spectrum Enforcement Division, and must include the

⁴³ 47 C.F.R. § 20.19(i)(1).

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

⁴⁵ 47 C.F.R. §§ 1.80(f)(3), 1.16.

NAL/Account Number referenced in the caption. The statement must also be e-mailed to Pamela Hairston at Pamera.Hairston@fcc.gov, Paul Noone at Paul.Noone@fcc.gov, and to Samantha Peoples at Sam.Peoples@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.

16. **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 Catherine Moyer, Chief Executive Officer and General Manager, Westlink Communications, LLC, 120 West Kansas Avenue, Ulysses, KS 67880, and to Kenneth C. Johnson, Esq., and Anthony K. Veach, Esq., Bennet & Bennet, PLLC, Counsel to Westlink Communications, LLC, 6124 MacArthur Boulevard, Bethesda, MD 20816.

FEDERAL COMMUNICATIONS COMMISSION

John D. Poutasse
Chief, Spectrum Enforcement Division
Enforcement Bureau