

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

In the Matter of
Certain Notices of Apparent Liability for Forfeiture Issued for Violations of 47 C.F.R. § 20.19(c)–(d)
File No.: See Appendix
NAL/Acct. No.: See Appendix
FRN: See Appendix

ORDER

Adopted: October 27, 2014

Released: October 27, 2014

By the Chief, Enforcement Bureau:

1. We find that no forfeiture penalty should be imposed on the ten wireless service providers identified in the Appendix of this Order (collectively, the Wireless Providers) for previously identified apparent noncompliance with the Commission’s hearing aid-compatible handset deployment rules. The Commission adopted the hearing aid compatibility rules to enhance the ability of consumers with hearing loss to access digital wireless telecommunications. In 2011, the Enforcement Bureau (Bureau) issued Notices of Apparent Liability for Forfeiture (NALs) to the Wireless Providers proposing penalties for their apparent failure to offer to consumers the requisite number of hearing aid-compatible digital wireless handset models during the 2010 reporting period.1 The findings of apparent violation were based on the hearing aid compatibility status reports that the Wireless Providers filed with the Commission in January 2011. In each of the NALs, the Bureau provided the Wireless Provider an opportunity to show, in writing, why either no forfeiture or a lower forfeiture should be imposed for the apparent violations. Each Wireless Provider filed a response to the respective NAL and averred that its documentation demonstrates that it complied with the hearing aid-compatible handset deployment requirements in 2010. The Wireless Providers’ responses are each supported with a declaration made under penalty of perjury or other appropriate verification.

2. Based on our review of the record, including the Wireless Providers’ responses to the NALs, we find that the Wireless Providers apparently each complied with the hearing aid-compatible handset deployment requirements during the 2010 reporting period.2 Thus, we find that no forfeiture penalty should be imposed against the Wireless Providers for violation of Section 20.19(c)–(d) of the Commission’s rules.3

3. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 504(b) of the Communications Act of 1934, as amended,4 and Sections 0.111, 0.311, and 1.80 of the Commission’s

1 The Appendix identifies the NALs; they include a more complete recitation of the facts of each case and are incorporated herein by reference.

2 We remind all service providers and manufacturers of digital wireless handsets that they must accurately report their handset model offerings in their annual hearing aid compatibility status reports. 47 C.F.R. § 20.19(i). Inaccurate or incomplete reports hamper the Commission’s ability to monitor the deployment of hearing aid-compatible handsets and impede compliance with the hearing aid compatibility rules. The Commission will consider taking separate enforcement action to address the filing of inaccurate or incomplete reports if this problem persists.

3 47 C.F.R. § 20.19(c)–(d) (2010).

4 47 U.S.C. §§ 154(i), 504(b).

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rules,<sup>5</sup> the proposed forfeitures in the *NALs* issued to the entities identified in the Appendix of this Order **WILL NOT BE IMPOSED**.

4. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by first class mail and certified mail, return receipt requested, to each of the Wireless Providers identified in the Appendix to this Order and to each Wireless Provider's representative of record.

FEDERAL COMMUNICATIONS COMMISSION

Travis LeBlanc  
Chief  
Enforcement Bureau

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<sup>5</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80.

## APPENDIX

## NOTICES OF APPARENT LIABILITY

Captioned Service Provider	File Number	NAL Account Number and Date Issued	FRN
<p>Toney Turnley Chief Executive Officer Kaplan Telephone Company, Inc. dba Pace Communications 118 North Irving Avenue P.O. Box 369 Kaplan, LA 70548</p> <p>Kenneth C. Johnson, Esq. Bennet &amp; Bennet PLLC 6124 MacArthur Boulevard Bethesda, MD 20816</p>	<p>EB-SED-13-00009442 (formerly File No.: EB-11-SE-052)</p>	<p>201132100036 Sept. 28, 2011</p>	<p>0001714146</p>
<p>Robert Martin Chief Executive Officer Limitless Mobile LLC (formerly known as Keystone Wireless, LLC dba Immix Wireless) 27599 Riverview Center Blvd. Suite 201 Bonita Springs, FL 34134</p> <p>Michael Bennet, Esq. Bennet &amp; Bennet, PLLC 6124 MacArthur Boulevard Bethesda, MD 20816</p>	<p>EB-SED-13-00009574 (formerly File No.: EB-11-SE-053)</p>	<p>201232100001 Oct. 28, 2011</p>	<p>0019600535</p>
<p>James Simon Chief Executive Officer Missouri RSA 5 Partnership dba Chariton Valley Wireless Services P.O. Box 67 Macon, Missouri 63552</p> <p>Gregory W. Whiteaker, Esq. Donald L. Herman, Jr., Esq. Herman &amp; Whiteaker LLC 1875 I Street, N.W. 5<sup>th</sup> Floor Washington, DC 20006</p>	<p>EB-SED-13-00008832 (formerly File No.: EB-11-SE-057)</p>	<p>201232100002 Oct. 28, 2011</p>	<p>002535532</p>

Captioned Service Provider	File Number	NAL Account Number and Date Issued	FRN
<p>Joel Leonard Chief Executive Officer Affordable Phone Services, Inc. 4352 SE 95<sup>th</sup> Street Ocala, FL 34480</p> <p>John J. Heitmann, Esq. Joshua T. Guyan, Esq. Kelley Drye &amp; Warren LLP 3050 K Street, N.W., Suite 400 Washington, DC 20007</p>	<p>EB-SED-13-00009177 (formerly File No.: EB-11-SE-044)</p>	<p>201232100008 Dec. 23, 2011</p>	<p>0017950569</p>
<p>Darrell Seaba Chief Executive Officer North Central Wireless LC dba i wireless 536 N. Main Street P.O. Box 67 Goldfield, IA 50542</p> <p>Stephen E. Coran, Esq. Lerman Senter PLLC 2000 K Street, N.W., Suite 600 Washington, DC 20006</p>	<p>EB-SED-13-00008847 (formerly File No.: EB-11-SE-059)</p>	<p>201232100009 Dec. 23, 2011</p>	<p>0005665310</p>
<p>Richard Stupansky Jr. Chief Executive Officer iSmart Mobile, LLC dba Big Sky Mobile 23500 Mercantile Road Suite B Beachwood, OH 44122</p> <p>Thomas F. Bardo, Esq. Nelson Mullins Riley &amp; Scarborough LLP 101 Constitution Avenue, N.W. Suite 900 Washington, DC 20036</p>	<p>EB-SED-13-00009484 (formerly File No.: EB-11-SE-050)</p>	<p>201232100012 Dec. 23, 2011</p>	<p>0019107051</p>
<p>Centennial Communications Corporation, wholly-owned subsidiary of AT&amp;T, Inc.</p> <p>Robert Vitanza General Attorney AT&amp;T Services, Inc. 208 S. Akard Street, Rm. 3110 Dallas, TX 75202</p>	<p>EB-SED-13-00009492 (formerly File No.: EB-11-SE-047)</p>	<p>201232100013 Dec. 29, 2011</p>	<p>0009631136</p>

Captioned Service Provider	File Number	NAL Account Number and Date Issued	FRN
<p>Marshall Aronow Chief Executive Officer Metropolitan Telecommunications Holding Company dba MetTel 55 Water Street, 32nd Floor New York, NY 10041</p> <p>Linda G. McReynolds, Esq. Marashlian &amp; Donahue, LLC 1420 Springhill Road, Suite 401 McLean, VA 22102</p>	<p>EB-SED-13-00009472 (formerly File No.: EB-11-SE-056)</p>	<p>201232100015 Dec. 29, 2011</p>	<p>0009806019</p>
<p>Steven Tourje Chief Executive Officer NEP Cellcorp, Inc. 720 Main Street P.O. Box D Forest City, PA 18421</p> <p>Kenneth C. Johnson, Esq. Bennet &amp; Bennet PLLC 6124 MacArthur Boulevard Bethesda, MD 20816</p>	<p>EB-SED-13-00008843 (formerly File No.: EB-11-SE-058)</p>	<p>201232100016 Dec. 28, 2011</p>	<p>0014802284</p>
<p>Carl Koehn Jr. Chief Executive Officer Maximum Communications Cellular, LLC 3717 23<sup>rd</sup> Street South Suite 201 St. Cloud, MN 56301</p>	<p>EB-SED-13-00011331 (formerly File No.: EB-11-SE-055)</p>	<p>201232100018 Dec. 28, 2011</p>	<p>0019130319</p>