Mr. Mark Goldstein  
Director, Physical Infrastructure  
U.S. Government Accountability Office  
Washington, DC 20548

Dear Mr. Goldstein:

Thank you for the opportunity to respond to the draft Government Accountability Office (GAO) report concerning the enforcement processes of the Federal Communications Commission (FCC or Commission) for the period January 1, 2003 through December 31, 2006.

The Commission is a proponent of strong enforcement action to protect consumers and to ensure the Communications Act of 1934, as amended (the Act), is carried out in the manner intended by Congress. During Chairman Martin’s tenure, the Commission has undertaken more than 3,400 enforcement actions. These enforcement actions have resulted in assessing more than $65.7 million in fines, forfeitures, and consent decree payments — including more than $43 million in 2007 alone, which the GAO acknowledges is the highest annual amount since the Enforcement Bureau was created in 1999. In addition, the Commission has devoted significant resources to reviewing and taking action on a backlog of more than 113,000 consumer complaints; as a result, the Commission no longer has a backlog of these complaints and now takes action faster on a consumer’s complaint.

Because the Commission’s enforcement program is an important tool for ensuring the statutory goals of the Act are met, we welcome recommendations on making improvements. In its draft report, the GAO recommends that the Commission improve how it collects and analyzes enforcement-related data (e.g., complaints received, investigations conducted, enforcement actions taken). Indeed, the report concludes that “[l]imitations in FCC’s current approach for collecting and analyzing enforcement data constitute the challenge FCC faces in providing complete and accurate information on its enforcement program.” In addition, the GAO recommends that the Commission develop and implement performance management practices, including the establishment of goals and performance measures. See GAO Draft Report at pages 35-36.

I am pleased to report that the Commission has already implemented measures that address both GAO recommendations. The GAO report focuses on the period from 2003 through 2006. As staff indicated to the GAO during its examination, by the time of this audit, we were already aware of these issues and already had plans in place to improve both the Commission’s enforcement data collection and processes.

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1 See Attachment 4.  
First, the Commission had recognized that one of its principle challenges was its limited information systems and database management resources. By July 2007, the Commission had already secured Congressional approval to make significant modifications to the databases and systems used to support the Commission's enforcement activities.³ The budget and planning processes for these systems enhancements had been underway for some time, and we expect final delivery this year. We anticipate that this system will enhance the Commission's ability to collect more detailed complaint information from consumers as well as improve the Commission's case management system to better track the status of all enforcement complaints throughout the process.

Second, during Chairman Martin's tenure, the Commission has implemented standardized enforcement performance goals to better manage the enforcement process and to automate portions of this process.⁴ The Commission implemented an internal performance measurements program (including the establishment of written internal controls) to collect data used to assess the performance and accountability of the enforcement program. For the first time, under Chairman Martin, goals and measures for managing the enforcement processes have been incorporated into the performance plans of the senior executives responsible for oversight of the enforcement program. Information about these efforts is also included in the Commission's annual Performance and Accountability Report and will be included going-forward in the Commission's annual performance budget submissions to Congress.

Unfortunately, the GAO Report contains several errors that detract from its utility. We raised these problems with GAO during the course of its examination, but the flaws remain in the draft report. We have included additional information in the attachment to this letter to respond to the GAO's report.


⁴ In March 2006, the Commission resolved to work on public safety interference complaints within one day; non-emergency interference complaints within one month; indecency complaints within nine months; and formal complaints within one year. The Commission works to resolve all other investigations and complaints within 15 months. The Commission publicly reports on its progress at meeting these performance goals in our annual Performance and Accountability Report. Below are the results from the Commission's 2007 Performance and Accountability Report. The indecency complaints are currently involved in litigation.

<table>
<thead>
<tr>
<th>Enforcement Investigations Performance Results - 2007</th>
<th>No. of Investigations Meeting Goal</th>
<th>No. of Investigations Not Meeting Goal</th>
<th>% Meeting Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Safety Interference</td>
<td>388</td>
<td>0</td>
<td>100.00%</td>
</tr>
<tr>
<td>Non-Emergency Interference</td>
<td>895</td>
<td>15</td>
<td>98.35%</td>
</tr>
<tr>
<td>Formal Complaints</td>
<td>6</td>
<td>2</td>
<td>75.00%</td>
</tr>
<tr>
<td>Indecency Complaints</td>
<td>601</td>
<td>2625</td>
<td>18.63%</td>
</tr>
<tr>
<td>Other Investigations/Complaints</td>
<td>29608</td>
<td>75</td>
<td>99.75%</td>
</tr>
<tr>
<td>Other Investigations/Complaints</td>
<td>29608</td>
<td>75</td>
<td>99.75%</td>
</tr>
</tbody>
</table>
First, the GAO relied on information that is significantly out-of-date in making its conclusions and recommendations. In some cases, the GAO relied on information more than four years old rather than examine more current information. By relying on information that is out-of-date, the GAO’s draft report provides a misleading description of the Commission’s current enforcement processes. For example, the GAO describes the Commission’s former consumer complaint processes on page 6 of its draft report. However, because we had already concluded that the former process needed to be changed to enforce the Commission’s consumer protection rules, we had already changed the process by which the Commission handles consumer complaints. Today, unlike the past practices that had been used since the Enforcement Bureau was started in 1999, the Commission responds to 100% of consumer complaints. The GAO’s report, however, fails to acknowledge or assess the new process and incorrectly describes the Commission’s current consumer complaint process. This is particularly unfortunate because our new process for handling consumer complaints has realized meaningful benefits. For example, the Commission issued 412 citations for violations of the junk fax rules in 2007, which was approximately a 350% increase over the 91 citations issued in 2006 and a 984% increase over the 38 citations issued in 2004.\(^5\)

Similarly, during the 2003-2006 period the GAO examined, the Commission did not regularly collect and review data to measure the performance of the enforcement program. This issue has been addressed. As noted above, the Commission reports on these performance measures in its annual Performance and Accountability Report and, going-forward, will provide performance information in its annual budget submission to Congress. We are concerned that GAO’s failure to examine current practices and processes significantly diminishes the value of the report.

Second, in addition to using outdated information, the GAO made errors in presenting certain data. During the preparation of this report, the Commission informed the GAO of our concerns that the draft report contained factual flaws. For example:

- the GAO draft report at pages 19-20 (Table 2) contains inaccurate information regarding the number and types of investigations and enforcement actions taken by the Commission. Table 2 overstates the number of enforcement investigations that were closed without action because it fails to acknowledge certain actions taken by the Commission such as findings of compliance, denials, and dismissals for insufficient information provided by the complainant. Attachment 3 provides Commission data side-by-side to GAO’s data as set forth in the chart. The Commission’s chart in Attachment 3 provides data on enforcement actions which are contained in the Commission’s databases and paper files.

- the data presented on pages 19-20, which the GAO derived from the Commission’s databases, does not correspond to the information contained in our databases. The GAO’s draft report at pages 19-20 significantly understates the number of admonishments/warnings, citations, consent decrees, monetary forfeitures, and notices of

\(^5\) See Performance and Accountability Report for Fiscal Year 2007 at 56 (Nov. 15, 2007).
violation issued\(^6\) and the report overstates the number of investigations conducted during the 2003-2006 period.\(^7\)

- the GAO's draft report at pages 19-20 also significantly overstates the number of investigations closed with no action.\(^8\) In its draft report, the GAO states that the Commission closed with no action 8,628 investigations concerning antenna lighting and structure requirements. Had GAO scrolled to the problem resolution section of the Commission's database it would have found readily available information indicating that action had indeed been taken on a large portion of these investigations.\(^9\) The problem resolution section of the database contains a written description of the finding made by an Enforcement Bureau employee for a particular investigation (e.g., no violation found). Attachment 6 shows the problem resolution field in the database for an antenna lighting and structure requirement investigation. In addition, the Commission maintains files on each investigation conducted by a field agent or other Commission personnel. Because the GAO limited its inquiry to Commission databases, it failed to accord for the outcomes of field investigations recorded in paper files. In fact, the Commission's databases and paper files verify that a significantly smaller number of investigations were closed with no action than reported by the GAO. Only 32 investigations were closed with no action instead of the 8628 contained in the GAO Report, a difference of 26,863%.\(^10\)

- the GAO's draft report at pages 16-17 significantly overstates the total number of investigations that were listed as closed with no enforcement action. In its draft report, the GAO states that "about 83 percent or about 32,200 of the investigations were listed as closed with no enforcement action."\(^11\) Attachment 2, however, indicates that only 3 percent of investigations were closed with no enforcement action taken. In fact, 71 percent of investigations were closed with compliance found, 15 percent closed after taking action, and 11 percent were closed as a result of insufficient information being provided by the complainant. See Attachment 2. Had GAO scrolled through the problem resolution or similar notation sections of the Commission's databases it would have found readily available data indicating that action had indeed been taken on all the

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\(^{6}\) The GAO's draft report on pages 19-20 indicates that the Commission issued 2279 enforcement actions admonishments/warnings, citations, consent decrees, debarments, monetary forfeitures, and notices of violation for investigations involving antenna lighting and structure requirements, junk fax, domestic interference, indecency, CPNI certification, audits of certification-based facilities, emergency alert system requirements, and cable TV leakage during 2003 to 2006; Commission data, however, indicates that 3679 enforcement actions were initiated during that same time period. See Attachment 3. In particular, while pages 19-20 of the GAO's draft report indicate the Commission issued 1058 admonishments and warnings during the time period for these investigations, Commission records indicate that 2570 admonishments and warnings were issued during that time period. Id.

\(^{7}\) The GAO's draft report on pages 19-20 indicates that the Commission's Enforcement Bureau handled 38,786 investigations from 2003 through 2006; instead the Commission's Enforcement Bureau handled 25,351 investigations during this period. See Attachment 3.

\(^{8}\) See Attachment 3.

\(^{9}\) See Attachment 3.

\(^{10}\) See Attachment 3.

\(^{11}\) GAO Report at 16.
domestic interference, indecency, CPNI certification, audits of certification-based facilities, Emergency Alert System requirements, and Cable TV leakage investigations listed in the Report. As demonstrated in Attachment 7 showing examples of actual investigations of various types in the databases, the problem resolution section of the database memorializes findings made by the Enforcement Bureau staff during a particular investigation. The notation would indicate whether a finding of compliance was made, whether the investigation was dismissed for insufficient information provided by the complainant, or whether the issue was resolved at the time of inspection (e.g., interference resolved prior to inspection). In addition, the Commission maintains paper files on each investigation conducted by a field agent or other Commission personnel. The Commission’s databases and paper files verify that a significantly smaller number of investigations were closed with no action than reported by the GAO. Only 576 investigations were closed with no action instead of the 32,237 contained in the GAO Report.

- the GAO’s draft report at pages 12-13 (Figure 1) only reflects the status of complaints received by the Consumer and Governmental Affairs Bureau (CGB) during the year in which the complaint was received. The chart does not capture information about the disposition of complaints received in one year and resolved in a subsequent year. The draft report thus leaves the impression that complaints were unresolved when in fact they were resolved, albeit in a subsequent year. Attachment 1 provides the number of complaints received from 2003-2006 and indicates that no complaints are pending for 2003, 2004, and 2005. Only 62 complaints are pending for 2006.

Because the GAO failed to identify which complaints or cases were in the “all other investigations” or “general enforcement” categories, we were unable to resolve the data inconsistencies and inaccuracies in the draft report.

Third, the GAO makes a number of incorrect statements in its report. For example, the GAO states on page 3 that the Commission’s existing enforcement databases do not contain information about the disposition of a complaint (e.g., whether the Commission took enforcement action or concluded that no violation occurred). This is incorrect – the Commission’s systems do contain this information. This information resides in the problem resolution or similar notation sections of the Commission’s database systems. This section of the database was readily accessible to GAO during the course of their investigation. We informed the GAO about the disposition information on several occasions and offered to make technical assistance available.

Finally, the GAO’s draft report fails to include important information to assist the reader of the report. For example, the GAO’s description of the Commission’s enforcement processes and statutory authority fails to include any discussion about the legal standards applicable to the

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12 See Attachment 3.
13 Data from the Enforcement Bureau’s database and paper files reveals that only 3% of investigations were opened with no enforcement action, a number significantly lower than GAO’s 83%. See Attachment 5.
14 See Attachment 2.
Commission's enforcement process, including the appropriate burden of proof the Commission must meet in order to issue a notice of apparent liability, citation, notice of violation, admonishment, or warning. Similarly, on page 10 the GAO failed to discuss other sections of the Act that provide authority for fines or sanctions or the procedural and other legal requirements that govern license revocation proceedings. By leaving this important information out of the draft report, the GAO provides an incomplete and misleading picture about the legal environment in which the Commission's enforcement activities operate.

Although we are concerned about the flaws in the GAO's examination noted above, we do appreciate the GAO's examination into the Commission's enforcement processes. Moreover, we agree that the Commission needed to improve our data management systems from the limited time frame examined, for which we have already contracted, and provide specific enforcement goals, which we have already implemented. We look forward to working with the GAO on this and other matters in the future.

Sincerely,

Kris Anne Monteith
Chief, Enforcement Bureau

Attachments
**Figure 1: Number of Complaints Received and Pending as of January 18, 2008**

For Calendar Years 2003 through 2006, Consumer and Governmental Affairs Bureau

<table>
<thead>
<tr>
<th>Total Number of Complaints Received Each Year</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>85797</td>
<td>116394</td>
<td>131931</td>
<td>120034</td>
</tr>
</tbody>
</table>

**Complaints Pending**

- 2003: 0
- 2004: 0
- 2005: 0
- 2006: 62
Figure 5: Disposition of Enforcement Bureau’s Closed Investigations, Calendar Year, 2003 through 2006

- Investigation closed, compliance found: 71%
- Investigation closed, insufficient information provided by complainant: 11%
- Investigation closed, action taken: 15%
- Investigation closed, unable to determine reason why: 3%

Source: Enforcement Bureau Database and Paper Files

Note: This figure does not include 363 cases closed by MDRD. MDRD cases result in FCC’s issuance of an order to resolve a dispute between two companies rather than a specific enforcement action taken by FCC against a subject.
<table>
<thead>
<tr>
<th>Type and number of investigationsa</th>
<th>Type of enforcement actions takenb</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Admonishment and warning</td>
</tr>
<tr>
<td>Antenna lighting and structure requirements (9,241 7,801)</td>
<td>420 836</td>
</tr>
<tr>
<td>Junk Faxd (4,135 4,021)</td>
<td>0</td>
</tr>
<tr>
<td>Domestic interference (3,539 3,048)</td>
<td>221 457</td>
</tr>
<tr>
<td>Indecency (3,075 2,454)</td>
<td>0</td>
</tr>
<tr>
<td>CPNI certification (2315 2,313)</td>
<td>0</td>
</tr>
<tr>
<td>Audits of certification-based facilities (1,965 1,789)</td>
<td>189 512</td>
</tr>
<tr>
<td>Emergency Alert System requirements (1,533 2,042)</td>
<td>230 559</td>
</tr>
<tr>
<td>Cable TV leakage (1,022 1,262)</td>
<td>98 206</td>
</tr>
<tr>
<td><strong>Total</strong> (26,825 24,730)</td>
<td>4,068 2,570</td>
</tr>
</tbody>
</table>

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a This corrected table does not include the 1,082 GAO records GAO categorized as “Due diligence.” As GAO notes, due diligence refers to a request made to the Enforcement Bureau for information concerning matters pending before the Bureau that might adversely impact a proposed transaction with a station or company. This table also does not include 1,768 inquiries and referrals, duplicate records or data entry errors, and consolidated cases that GAO incorrectly characterized as investigations. In addition, this table does not include GAO’s “other general enforcement” and “all other investigations” categories because GAO did not disclose what it included in those categories.

b Table 2 purports to show the outcome of Enforcement Bureau “investigations.” The initial “action” the Bureau takes in response to either a complaint or a case that initiates on its own is to investigate. The outcome of an investigation is almost always the imposition of a sanction, such as a notice of apparent liability for forfeiture; or a determination of compliance, such as when a broadcaster audit finds no rule violations; or a determination that there is insufficient evidence to take further action, such as when a complainant fails to provide all of the information necessary to find a violation. GAO’s version of Table 2 does not encompass investigation outcomes other than those that impose sanctions. Therefore, the category of “closed no action” is inaccurate and misleading; the large majority of these investigations had a disposition that was noted within the Bureau database records, typically a finding of compliance or a determination of insufficient evidence.

c Monetary forfeiture also includes notice of apparent liability actions.

d For incoming junk fax complaints, investigations were conducted by associated phone number and tracked with dedicated spreadsheets outside of database.
Figure 6: Amount of Monetary Forfeitures Assessed and Payments Negotiated through Consent Decrees, Calendar Years 2003 through 2007
Figure 7: Number of FCC Enforcement Bureau Investigations Pending and Years Pending, as of December 31, 2006

- < 1 yr old: 6,211
- 1 to 2: 907
- 2 to 3: 117
- 3 to 4: 22
RAMS Case Report
Case No.: EB-04-ST-216
Run Date: Tue Jan 22 11:29:19 EST 2008

2.5 Hours spent on 30 N37

Suspense Date: 00/00/0000
AutoLog [redacted]
Source Archived
Status CLOSED

<table>
<thead>
<tr>
<th>Start Date</th>
<th>Office ST</th>
<th>HQ #</th>
<th>Local #</th>
<th>Logged MPR</th>
<th>Case #EB-04-ST-216</th>
<th>COMPLAINANT</th>
<th>SUBJECT</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/16/2004</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Name       |           |      |         |            |                     |             |         |
| Company    | FCC       |      |         |            |                     |             |         |
| Address    |           |      |         |            |                     |             |         |
| City       |           |      |         |            |                     |             |         |
| Geo Area   |           |      |         |            |                     |             |         |
| Pri Phone  |           |      |         |            |                     |             |         |
| Alt Phone  |           |      |         |            |                     |             |         |
| Call Sign  |           |      |         |            |                     |             |         |

<table>
<thead>
<tr>
<th>Xmtr City</th>
<th>Twr #</th>
<th>Lat</th>
<th>Long</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Activity Enforcement - Inspections
Project Tower Painting and Lighting
ActCode: 30 N37  Rule Part: GOV
Action Plan Involved: Military/Fed Agency

GENERAL CASE DESCRIPTION

- Information Transfer
- Comm Prob Resolution
- Investigation
- Inspection
- HFDF Bearing
- Inquiry/Compl
- Unlicensed
- Safety

<table>
<thead>
<tr>
<th>C-Alt Contact</th>
<th>C-Alt Call or ID</th>
<th>S-Contacts</th>
<th>Site Info</th>
<th>Tower Owner</th>
</tr>
</thead>
</table>

Problem Description: twinsp - random

<table>
<thead>
<tr>
<th>Rule Violation</th>
<th>Violation Date</th>
<th>Issue Date</th>
<th>Type</th>
</tr>
</thead>
</table>

Case Details in Reverse Chronological Order:

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Agent</th>
<th>Event Type</th>
<th>IN</th>
<th>OUT</th>
<th>Travel Cost</th>
<th>we Utility</th>
<th>Problem Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/16/2004</td>
<td></td>
<td>CLOSED</td>
<td>0.5</td>
<td>2</td>
<td>0.00</td>
<td>Archived</td>
<td>twinsp - random - is in compliance</td>
</tr>
<tr>
<td>Grand</td>
<td></td>
<td></td>
<td>0.5</td>
<td>2</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2.5 Hours spent on 30 N37
Utility Field: TWRINS

- Safety
- Confidential
- Congressional
- Unlicensed
- Source Archived
- Status CLOSED

<table>
<thead>
<tr>
<th>Start Date</th>
<th>Office SF</th>
<th>HQ #</th>
<th>Local #</th>
<th>Logged GP</th>
<th>Case #</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/24/2004</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>EB-04-SF-233</td>
</tr>
</tbody>
</table>

**COMPLAINANT**

- Name
- Company: FCC
- Address
- City
- Geo Area
- Pri Phone: FAX
- Alt Phone
- Call Sign: Freq 0 MHz
- Xmt City
- Twr #
- Lat
- Long

**SUBJECT**

- Activity: Enforcement - Inspections
- Project: Tower Registration
- ActCode: 30 N37
- Rule Part: 17
- Action Plan Involved: Not a WSR Item

**GENERAL CASE DESCRIPTION**

- Information Transfer
- Comm Prob Resolution
- Investigation
- Inspection
- HFDF Bearing
- Inquiry/Compl
- Unlicensed
- Safety

**C-Alt Contact**

**C-Alt Call or ID**

**S-Contacts**

- No P&L Height: 33.5 Meters

**Site Info**

- No P&L Height: 33.5 Meters

**Tower Owner**

- Problem Description: Tower inspection as part of the cable TV inspection on 9/15/04. Tower #

**Rule Violation**

**Violation Date**

**Issue Date**

**Type**

**Case Details in Reverse Chronological Order:**

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Agent</th>
<th>Event Type</th>
<th>IN</th>
<th>OUT</th>
<th>Travel Cost</th>
<th>we Utility</th>
<th>Problem Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>09/24/2004</td>
<td></td>
<td>OPEN/CLOSED</td>
<td>1.5</td>
<td>1</td>
<td>0.00</td>
<td>Archived</td>
<td>wnnsp - Inspected tower # as part of the cable inspection. No discrepancies or problems noted</td>
</tr>
<tr>
<td>Grand</td>
<td></td>
<td>Totals</td>
<td>1.5</td>
<td>1</td>
<td>0.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
RAMS Case Report
Case No.: EB-05-SD-023
Run Date: Tue Jan 22 16:13:31 EST 2008

6.0 Hours spent on 30 N37
Utility Field:
☐ Safety  ☐ Confidential  ☐ Congressional  ☐ Unlicensed
AutoLog: 00/00/0000
Source Archived  Status CLOSED

<table>
<thead>
<tr>
<th>Start Date 02/08/2005</th>
<th>Office</th>
<th>HQ #</th>
<th>Local #</th>
<th>Logged HKL</th>
<th>Case #EB-05-SD-023</th>
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</thead>
<tbody>
<tr>
<td>COMPLAINANT</td>
<td>SUBJECT</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td></td>
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<td>City</td>
<td></td>
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<tr>
<td>Geo Area</td>
<td></td>
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</tr>
<tr>
<td>Pri Phone</td>
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<td></td>
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<tr>
<td>Alt Phone</td>
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<td>Call Sign</td>
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<td>Xmt City</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Lat Long</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Activity: Enforcement - Interference Resolution
Project: Other
ActCode: 30 N37  Rule Part: GOV
Action Plan Involved: Military/Fed Agency

GENERAL CASE DESCRIPTION

☐ Information Transfer  ☑ Investigation  ☐ HFDF Bearing  ☐ Unlicensed
☐ Comm Prob Resolution  ☐ Inspection  ☐ Inquiry/Compl  ☐ Safety

C-Alt Contact
C-Alt Call or ID
S-Contacts
Site Info
Tower Owner

Problem Description: IX to from unknown source located at sub base.

Rule Violation|Violation Date|Issue Date|Type

Case Details in Reverse Chronological Order:

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Agent</th>
<th>Event Type</th>
<th>IN</th>
<th>OUT</th>
<th>Travel Cost</th>
<th>we Utility</th>
<th>Problem Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>02/09/2005</td>
<td></td>
<td>CLOSED</td>
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<td>3</td>
<td>0.00</td>
<td>Archived</td>
<td>found the signal</td>
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<tr>
<td>02/08/2005</td>
<td></td>
<td>CLOSED</td>
<td>0</td>
<td>3</td>
<td>0.00</td>
<td>Archived</td>
<td>Used FADF to get the fix</td>
</tr>
<tr>
<td>02/08/2005</td>
<td></td>
<td>OPEN</td>
<td>0</td>
<td>0</td>
<td>0.00</td>
<td></td>
<td>Assigned case to track signal at sub base.</td>
</tr>
</tbody>
</table>
## GB RAMS Case Report

**Case No.: EB-04-ST-293**  
**Run Date: Tue Jan 22 16:14:39 EST 2008**  
**Suspense Date: 00/00/0000**  
**AutoLog [redacted]**

### Field Information

<table>
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<tr>
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<tr>
<td>HQ #</td>
<td></td>
</tr>
<tr>
<td>Local #</td>
<td></td>
</tr>
<tr>
<td>Logged KAM</td>
<td></td>
</tr>
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<td>Case #</td>
<td>EB-04-ST-293</td>
</tr>
<tr>
<td>Complainant</td>
<td></td>
</tr>
<tr>
<td>Subject</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>[redacted]</td>
</tr>
<tr>
<td>Company</td>
<td>[redacted]</td>
</tr>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>[redacted]</td>
</tr>
<tr>
<td>Geo Area</td>
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<tr>
<td>Pri Phone</td>
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<td>Alt Phone</td>
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<td>Call Sign</td>
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<td>Freq MHz</td>
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<td>Xmttr City</td>
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<td>Twr #</td>
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<td>Activity</td>
<td>Enforcement - Interference Resolution</td>
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<tr>
<td>Project</td>
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<tr>
<td>ActCode</td>
<td>30 N37</td>
</tr>
<tr>
<td>Rule Part</td>
<td>GOV</td>
</tr>
<tr>
<td>Action Plan Involved</td>
<td>Military/Fed Agency</td>
</tr>
</tbody>
</table>

### General Case Description

- Information Transfer: No
- Investigation: Yes
- HFDF Bearing: No
- Unlicensed: Yes
- Comm Prob Resolution: Yes
- Inspection: No
- Inquiry/Compl: Yes
- Safety: Yes

### Case Details in Reverse Chronological Order

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Agent</th>
<th>Event Type</th>
<th>IN</th>
<th>OUT</th>
<th>Travel Cost</th>
<th>we Utility</th>
<th>Problem Resolution</th>
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<tbody>
<tr>
<td>Grand</td>
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</table>
**EB-IHD**

CASE No: EB-06-HH-0960

<table>
<thead>
<tr>
<th>Licensee</th>
<th>Date IHD Received</th>
<th>Date Closed</th>
<th>Staff</th>
</tr>
</thead>
</table>

**Subject:**

<table>
<thead>
<tr>
<th>Status</th>
<th>Status Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Closed</td>
<td>Complaint Dismissed</td>
</tr>
</tbody>
</table>

**Case Notes**

- **2/27/2006** The DJs were interviewing a woman who is into the "Swinger" lifestyle. The DJs were asking personal question. This conversation should not be on the radio in the morning when children are likely to be listening (dismiss-lack of info. Re-content).

- **3/7/2006** [Name] has letter for review.
CASE No: EB-06-111-2157

<table>
<thead>
<tr>
<th>Licensee</th>
<th>Date IHD Received</th>
<th>Date Closed</th>
<th>Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>4-3-2006</td>
<td>4-29-2006</td>
<td></td>
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**Subject 1**

<table>
<thead>
<tr>
<th>Status</th>
<th>Status Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Closed</td>
<td>Complaint Denied</td>
</tr>
</tbody>
</table>

**Case Notes**

6-8-2006 Jay Leno depicted President Bush with his fake head over somebody dancing indecently. He was bumping and grinding and fondling his genitals, and hip thrusting in a simulated dance joke. I think this is showing disrespect for the office and I don't believe putting him or any public person in a comic attitude even porn like movements is appropriate humor. This is made up ridicule and down grading.

Intake analysis: Deny-Safe harbor

6-13-2006 Draft Denial Letter on 6-13-06

6-29-2006 This case was reviewed by [redacted] and found to fall under the Safe Harbor provision. It was therefore denied. Since the complaint was annonomous we now close the case without any further correspondence.
RAMS Case Report
Case No.: EB-04-CF-076
Run Date: Tue Jan 22 16:03:49 EST 2008

3.2 Hours spent on 30 N23
Utility Field: 2QBC, 2QEASB
Safety  Confidential  Congressional  Unlicensed

<table>
<thead>
<tr>
<th>Start Date 03/02/2004</th>
<th>Office CF</th>
<th>HQ #</th>
<th>Local #</th>
<th>Logged DWB</th>
<th>Case #EB-04-CF-076</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>COMPLAINANT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td></td>
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</tr>
<tr>
<td>Company</td>
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<td>Address</td>
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<td>City</td>
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<td>Geo Area</td>
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<tr>
<td>Pri Phone FAX</td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>Alt Phone</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Call Sign Freq 0 MHz</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Xmtr City</td>
<td></td>
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<td>Twr #</td>
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<td>Lat</td>
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<tr>
<td>Long</td>
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</tbody>
</table>

Activity Enforcement - Inspections
Project AM Radio General
ActCode: 30 N23  Rule Part: 73A
Action Plan Involved: Mass Media

GENERAL CASE DESCRIPTION

- [ ] Information Transfer
- [ ] Comm Prob Resolution
- [x] Inspection
- [ ] HFDF Bearing
- [ ] Inquiry/Compl
- [ ] Unlicensed
- [ ] Safety

C-Alt Call or ID
S-Contacts
Site Info
Tower Owner

Problem Description: Conducted Broadcast inspection on [redacted] All OK

<table>
<thead>
<tr>
<th>Rule Violation</th>
<th>Violation Date</th>
<th>Issue Date</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
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Case Details in Reverse Chronological Order:

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Agent</th>
<th>Event Type</th>
<th>IN</th>
<th>OUT</th>
<th>Travel Cost</th>
<th>we Utility</th>
<th>Problem Resolution</th>
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<tbody>
<tr>
<td>03/02/2004</td>
<td>DWB</td>
<td>OPEN/CLOSED</td>
<td>0.2</td>
<td>3</td>
<td>0.00</td>
<td>Archived</td>
<td></td>
</tr>
<tr>
<td>Grand</td>
<td>Totals</td>
<td>0.200000000298023</td>
<td>3</td>
<td>0.00</td>
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RAMS Case Report
Case No.: EB-06-SF-256
Run Date: Tue Jan 22 16:08:32 EST 2008

15.0 Hours spent on 30 N24
Utility Field: FMINSP

<table>
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<tr>
<th>Start Date</th>
<th>Office</th>
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<th>Local #</th>
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<tr>
<td>09/21/2006</td>
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<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
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<td>Pri Phone</td>
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<td>Alt Phone</td>
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</tr>
<tr>
<td>Call Sign</td>
<td>Freq 0 MHz</td>
</tr>
<tr>
<td>Xmtr City</td>
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</tr>
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<td>Twr #</td>
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</table>

Activity Enforcement - Inspections
Project FM Radio General
ActCode: 30 N24  Rule Part: 73B
Action Plan Involved: Mass Media

GENERAL CASE DESCRIPTION

- Information Transfer
- Comm Prob Resolution
- Inspection
- HFDF Bearing
- Inquiry/Compl
- Unlicensed
- Safety

C-Alt Contact
C-Alt Call or ID
S-Contacts
Site Info
Tower Owner

Problem Description: Inspected radio station... as part of the RAP

Rule Violation | Violation Date | Issue Date | Type
--- | --- | --- | ---

Case Details in Reverse Chronological Order:

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Agent</th>
<th>Event Type</th>
<th>IN</th>
<th>OUT</th>
<th>Travel Cost</th>
<th>we Utility</th>
<th>Problem Resolution</th>
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<tbody>
<tr>
<td>10/02/2006</td>
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<td>2.5</td>
<td>0</td>
<td>0.00</td>
<td>Archived</td>
<td>easbinsp msinsp pfnsp - inspected I was accompanied by...</td>
</tr>
<tr>
<td>09/21/2006</td>
<td></td>
<td>OPEN</td>
<td>0</td>
<td>2</td>
<td>0.00</td>
<td></td>
<td>easbinsp msinsp pfninst Radio station Had them run an EAS test...</td>
</tr>
<tr>
<td>Grand</td>
<td></td>
<td></td>
<td>2</td>
<td>13</td>
<td>0.00</td>
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**Rams Case Report**

Case No.: EB-05-AN-030  
Run Date: Tue Jan 22 16:05:16 EST 2008

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<th>Suspense Date: 00/00/0000</th>
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<td>Status CLOSED</td>
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### COMPLAINANT  
Name:  
Company: FCC/EB/ARAO  
Address:  
City:  
Geo Area:  
Pri Phone:  
Fax:  
Alt Phone:  
Call Sign:  
Freq 0 MHz:  
Xmtr City:  
Twr #:  
Lat:  
Long:  

### SUBJECT  
Office AN:  
HQ #:  
Local #:  
Logged:  
Case #: EB-05-AN-030  

### Activity Enforcement - Inspections  
Project: EAS VHF Television  
ActCode: 30 N25  
Rule Part: 11  
Action Plan Involved: Mass Media

### GENERAL CASE DESCRIPTION

- Information Transfer
- Comm Prob Resolution
- Inspection
- HFDF Bearing
- Inquiry/Compl
- Safety

### Rule Violation  
<table>
<thead>
<tr>
<th>Event Date</th>
<th>Agent</th>
<th>Event Type</th>
<th>IN</th>
<th>OUT</th>
<th>Travel Cost</th>
<th>we Utilty</th>
<th>Problem Resolution</th>
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<tbody>
<tr>
<td>04/08/2005</td>
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<td>OPEN/CLOSED</td>
<td>0</td>
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<td>Archived</td>
<td>easbinsp djc: Monitored LP1 station for EAS RMT, APR05. OKAY</td>
</tr>
<tr>
<td>Grand</td>
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Case Details in Reverse Chronological Order:
### RAMS Case Report

**Case No.: EB-04-SF-085**  
**Run Date: Tue Jan 22 16:06:48 EST 2008**

<table>
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<th>Case #EB-04-SF-085</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/30/2004</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**COMPLAINANT**

- **Name**: [Redacted]
- **Company**: FCC
- **Address**: [Redacted]
- **City**: [Redacted]
- **Geo Area**: [Redacted]
- **Pri Phone**: [Redacted]
- **FAX**: [Redacted]
- **Alt Phone**: [Redacted]
- **Call Sign**: [Redacted]
- **Freq 0 MHz**: [Redacted]
- **Xmtr City**: [Redacted]
- **Twr #**: [Redacted]
- **Lat**: [Redacted]
- **Long**: [Redacted]

**SUBJECT**

- **Suspense Date**: 00/00/0000
- **AutoLog**: [Redacted]
- **Source**: LOCAL
- **Status**: CLOSED

**Activity**

- **Enforcement - Inspections**: [Redacted]
- **Project**: EAS Cable Television
- **ActCode**: 30 N12
- **Rule Part**: 11
- **Action Plan Involved**: Cable Television

---

**GENERAL CASE DESCRIPTION**

- **Information Transfer**: [Redacted]
- **Comm Prob Resolution**: [Redacted]
- **Investigation**: [Redacted]
- **Inspection**: [Redacted]
- **HFDF Bearing**: [Redacted]
- **Inquiry/Compl**: [Redacted]
- **Unlicensed**: [Redacted]
- **Safety**: [Redacted]

**C-Alt Contact**

- **C-Alt Call or ID**: [Redacted]

**S-Contacts**

- **EAS=Yes**: [Redacted]

**Site Info**

- **EAS=Yes**: [Redacted]

**Tower Owner**: [Redacted]

**Problem Description**: EAS

---

**Rule Violation**

<table>
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<tr>
<th>Event Date</th>
<th>Agent</th>
<th>Event Type</th>
<th>IN</th>
<th>OUT</th>
<th>Travel Cost</th>
<th>we Utility</th>
<th>Problem Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/31/2004</td>
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<td>CLOSED</td>
<td>0</td>
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<td>1.5</td>
<td>Archived</td>
<td>Conducted inspection of [Redacted] EAS - no violations found.</td>
</tr>
<tr>
<td>03/30/2004</td>
<td></td>
<td>OPEN</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td></td>
<td>Eascinsp TV assigned inspection to [Redacted] Prep for inspection.</td>
</tr>
<tr>
<td>Grand</td>
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<td>Totals</td>
<td>0</td>
<td>100000000149012</td>
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**Case Details in Reverse Chronological Order:**
Case Report

Case No.: EB-04-PA-071
Run Date: Tue Jan 22 16:13:00 EST 2008

6.0 Hours spent on 30 N12
Utility Field: 2QCATV

Start Date 03/30/2004 Office PA HQ # Local # Logged Case #EB-04-PA-071

COMPLAINANT

Name
Company FCC
Address
City
Geo Area

SUBJECT

Suspense Date: 00/00/0000
AutoLog
Source LOCAL Status CLOSED

Pri Phone FAX Pri Phone FAX
Alt Phone

Call Sign Freq 0 MHz Call Sign Freq 0 MHz

Xmtr City Twr # Lat Long

Activity Enforcement - Inspections
Project Cable TV Leakage Measurements
ActCode: 30 N12 Rule Part: 76
Action Plan Involved: Cable Television

GENERAL CASE DESCRIPTION

Information Transfer Investigation HFDF Bearing Unlicensed
Comm Prob Resolution Inspection Inquiry/Compl Safety

C-Alt Contact
C-Alt Call or ID
S-Contacts
Site Info

Problem Description: Cable Leakage Enforcement, No excessive leaks detected.

Rule Violation Violation Date Issue Date Type

Case Details in Reverse Chronological Order:

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Agent</th>
<th>Event Type</th>
<th>IN</th>
<th>OUT</th>
<th>Travel Cost</th>
<th>we Utility</th>
<th>Problem Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/30/2004</td>
<td></td>
<td>OPEN/CLOSED</td>
<td>1</td>
<td>5</td>
<td>0.00</td>
<td>Archived</td>
<td>Cable Leakage Inspection of facility. No leakage violations detected. Office maintains leakage log. has 2 people assigned as full time inspectors for leakage. Observed current proof-of-performance test data.</td>
</tr>
<tr>
<td>Grand</td>
<td></td>
<td>Totals</td>
<td>1</td>
<td>5</td>
<td>0.00</td>
<td></td>
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**RAMS Case Report**

**Case No.:** EB-04-PA-071  
**Run Date:** Tue Jan 22 16:13:00 EST 2008  
**ICRS Format**

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<tr>
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<th>Office PA</th>
<th>HQ #</th>
<th>Local #</th>
<th>Logged</th>
<th>Case #</th>
<th>EB-04-PA-071</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/30/2004</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**COMPLAINANT**

- **Name:** [Removed]
- **Company:** FCC
- **Address:** [Removed]
- **City:** [Removed]
- **Geo Area:** [Removed]
- **Pri Phone:** [Removed]
- **FAX:** [Removed]
- **Alt Phone:** [Removed]
- **Call Sign:** Freq 0 MHz
- **Xmtr City:** [Removed]
- **Twr #:** [Removed]
- **Lat:** [Removed]
- **Long:** [Removed]

**SUBJECT**

- **Suspense Date:** 00/00/0000
- **AutoLog:** [Removed]
- **Source:** LOCAL
- **Status:** CLOSED

**Activity:** Enforcement - inspections  
**Project:** Cable TV Leakage Measurements

**ActCode:** 30 N12  
**Rule Part:** 76  
**Action Plan Involved:** Cable Television

**GENERAL CASE DESCRIPTION**

- **Information Transfer:** [ ]  
- **Investigation:** [ ]  
- **HFDF Bearing:** [ ]  
- **Unlicensed:** [ ]  
- **Comm Prob Resolution:** [ ]  
- **Inspection:** [✓]  
- **Inquiry/Compl:** [ ]  
- **Safety:** [ ]

_C-Alt Contact_  
_C-Alt Call or ID_  
_S-Contacts_  
_Site Info_  
_Tower Owner_

**Problem Description:** Cable Leakage Enforcement, leaks detected. No excessive

**Rule Violation | Violation Date | Issue Date | Type**

**Case Details in Reverse Chronological Order:**

<table>
<thead>
<tr>
<th>Event Date</th>
<th>Agent</th>
<th>Event Type</th>
<th>IN</th>
<th>OUT</th>
<th>Travel Cost</th>
<th>we Utility</th>
<th>Problem Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/30/2004</td>
<td>[Marked]</td>
<td>OPEN/CLOSED</td>
<td>1</td>
<td>5</td>
<td>0.00</td>
<td>Archived</td>
<td>Cable Leakage Inspection of facility. No leakage violations detected. Office maintains leakage log. Has 2 people assigned as full time inspectors for leakage. Observed current proof-of-performance test data.</td>
</tr>
<tr>
<td>Grand</td>
<td></td>
<td>Totals</td>
<td>1</td>
<td>5</td>
<td>0.00</td>
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</tbody>
</table>
ERRATUM

Page 2

p.2, lines 23-24, GAO Statement: “Overall, FCC received and processed hundreds 
of thousands of complaints, conducted tens of thousands of investigations, and took 
a limited number of enforcement actions during calendar years 2003 through 2006.”

For the 2003-2006 period, the Enforcement Bureau took 2,102 written enforcement 
actions.

Page 3

p.3, lines 1-4, GAO Statement: “The CGB processed about 95 percent of these 
complaints either by sending a letter of acknowledgement to the complainant and 
where appropriate referred them for resolution to the company that was the subject 
of the complaint.” As the Commission informed the GAO during its examination, the 
Commission changed its process for responding to consumer complaints. The 
Commission actually responds to 100% of consumer complaints and refers all complaints 
that indicate a potential violation for enforcement action.

p.3, lines 11-13, GAO Statement: “About 9 percent or almost 3,400, of these 
investigations were closed with an enforcement action and about 83 percent or 
about 32,200 were closed with no enforcement action.” As shown in the corrected 
versions of Table 2 and Figure 5, only 576 records or 2.3% did not show the final 
disposition. See Attachments 3 and 2, respectively.

p.3, line 13-16, GAO Statement: “We were not able to determine why these 
investigations were closed with no discernible enforcement action because the 
Enforcement Bureau does not systematically collect this information.”
The Commission’s Enforcement Bureau does collect information about the disposition of 
investigations. The Commission explained this to the GAO and provided complete 
copies of the Commission’s databases, including the disposition information.

p.3, lines 24-25, GAO Statement: “As of December 2006, about 7,200 investigations 
remained open and almost 1,400 (about 19 percent) were open for 1 to 4 years.” As 
shown in the corrected version of Figure 7, 6211 or 86% of pending investigations had 
been open for less one year. Another 1,046 investigations, or approximately 14%, were 
open for 1 to 4 years. Specifically, 907 investigations, or 12% had been open for one to 
two years; 117 investigations, or approximately 1.6% had been open for two to three 
years; and 22 investigations, or approximately 0.3% had been open for three to four 
years. See Attachment 8.
p.4, lines 23-27, GAO Statement: “Consequently, we could not use the Enforcement Bureau's databases to obtain bureau wide information on the 1 year statute of limitations for imposing monetary forfeitures, the speed with which the Enforcement Bureau closed an investigation, the reasons for closing investigations with no enforcement action, or the amount of the fines FCC assessed.” The Commission provided sufficient information for the GAO to obtain bureau-wide information on the 1 year statute of limitations for imposing monetary forfeitures, the speed with which the Enforcement Bureau closed an investigation, the reasons for closing investigations with no enforcement action, or the amount of the fines FCC assessed.”

p.6, lines 18-19, GAO Statement: “This bureau has legal authority to take enforcement action in areas relating to consumer protection, competition, and public safety.” The Enforcement Bureau’s authority is not limited to the areas of consumer protection, competition and public safety -- it extends to everything arising under the Communications Act, with limited exceptions.

p.7, Chart, GAO Statement: “Investigations and Hearings (IHD) – Investigating, taking, or recommending enforcement action against broadcast licensees for violations of nontechnical Commission rules concerning issues such as indecency, enhanced underwriting and unauthorized assignments and transfers of control of licenses, common carrier competition, and the Universal Service Fund.” The Investigations and Hearings Division also handles enforcement action related to non-broadcast transfers and license qualifications.

p.7, Chart, GAO Statement: “Spectrum Enforcement (SED) – Investigating, taking, or recommending enforcement action for violation of public-safety related and other technical rules such as those governing interference, tower marking and lighting, the Emergency Alert System, 911, and Enhanced 911 and compliance with operational provisions of licenses.” The Spectrum Enforcement Division also handles enforcement action in the areas of unauthorized equipment, network reliability/network outages, and DTV, among others.

p.8, line 4, GAO Statement: “According to FCC, potential enforcement actions include the following:…” The GAO’s draft report fails to acknowledge that, besides enforcement action, investigations may result in denials, dismissals, or a determination that a party complied with the relevant rules.

p.8, lines 11-12, GAO Statement: “Cease and desist order – An order requiring
a person to cease and desist from violation of the Act or Commission rules.” A cease and desist order may not be issued by the Enforcement Bureau, as indicated in the GAO’s draft report; instead, a cease and desist order may only be issued by the Commission or by an Administrative Law Judge following a hearing.

Page 9

p.9, line 2, GAO Statement: “Equipment seizure (In Rem seizure) – Primarily used in cases involving unlicensed or private radio stations where FCC field agents in conjunction with the U.S. Marshal Service and the U.S. Attorney’s Office seize radio transmitting equipment.” Correction - “private” should be “pirate.”

Page 10

p. 10, lines 1-4, GAO Statement: “Revocation of license - Reserved for the most egregious violations of the law that raise serious questions about a licensee’s basic qualifications to be and remain a licensee. Such offenses include misrepresentation, lack of candor, and repeat violations of the Act or Commission rules and orders.” The GAO’s draft report fails to note that a license revocation order must be issued by the Commission (as opposed to the Bureau) or an Administrative Law Judge following a hearing.

p. 10, lines 8-9, GAO Statement: “Section 503 of the Act sets forth maximum forfeiture amounts for violations by licensees or regulated entities.” The GAO’s draft report fails to note the forfeiture amounts or other sanctions established in other sections of the Communications Act of 1934, as amended, including sections 202(c), 203(e); 205(b); 214(d); 219(b); 220(d); 364(a)-(b); 386(a)-(b); and 634.

Page 12

p. 12-13, Figure 1, A revised Figure 1 is attached. See Attachment 1.

p. 12, lines 1-3, GAO Statement: “Overall, FCC received and processed hundreds of thousands of complaints and conducted thousands of investigations but took a limited number of enforcement actions from 2003 through 2006.” For the 2003-2006 period, the Enforcement Bureau took 2,102 written enforcement actions.

Page 15

p. 15, GAO Subheading: “Enforcement Bureau Opened and Closed A Large Number of Investigations but Few Enforcement Actions Taken.” For the 2003-2006 period, the Enforcement Bureau took 2,102 written enforcement actions.

p.15, lines 5-9, GAO Statements: “Based on our analysis of information provided by FCC’s Enforcement Bureau for calendar years 2003 through 2006, the Enforcement Bureau opened a total of about 46,000 investigations that resulted
from the complaints that it received directly, audits and inspections, self-initiated inquiries, and complaints it selected from CGB’s database and closed about 39,000 investigations.” For the 2003-2006 period, the Enforcement Bureau took 2,102 written enforcement actions.

p.15, footnote12, GAO Statements: “The Enforcement Bureau does not investigate every complaint received by CGB. We were not able to identify how many complaints from CGB’s database were selected for investigation.” The Enforcement Bureau now investigates all consumer complaints referred to it by the Commission’s Consumer and Governmental Affairs Bureau.

Page 16

p. 16, Figure 4, GAO Cite: “Source: GAO analysis of CGB’s database.” The correct source for this information is the EB database, not CGB’s database.

Page 17

p. 17, lines 1-4, GAO Statement: “We also were not able to determine whether enforcement actions were taken or not taken for the remaining 8 percent or about 3,200 closed investigations because the Enforcement Bureau’s databases did not contain sufficient information on the disposition of the investigation.” The Commission’s databases do contain sufficient information on the disposition of investigations. This information was provided to the GAO and the Commission offered to provide technical assistance.

p. 17, Figure 5, A corrected Figure 5 is attached. See Attachment 2.

Pages 18-20

pp.18-20: Table 2 A corrected version of Table 2 is attached. See Attachment 3.

p. 20, note d, GAO Statement: “This figure does not include 283 investigations closed by the Markets Dispute Resolution Division.” MDRD is the Market Disputes Resolution Division (not “Markets”). Further, MDRD doesn’t conduct “investigations;” instead, it conducts “proceedings.”

Page 21

p. 21, line 9, GAO Statement: “... the amount of fines and negotiated payments through consent decrees totaled almost $32 million in 2007, the highest amount since the Enforcement Bureau was created.” The amount of fines and negotiated payments through consent decrees totaled $43,304,862, or more than $43 million, in 2007.

p. 21, Figure 6, A revised Figure 6 is attached. See Attachment 7.

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About 81 percent [of investigations] or about 5,800 were pending for less than 1 year, and 19 percent or almost 1,400 were pending from about 1 to 4 years.” For the same time period, the Commission’s figures indicate that only 1,046 investigations remain pending from 1 to 4 years, a 34 percent difference.

About 46 percent of the pending investigations were related to potential indecency violations and about 800 of them remained open for more than 1 year, longer than the 9 months FCC stated as a goal in its March 31, 2006, response to questions from the Chairman, Subcommittee on Science, State, Justice and Commerce, House Committee on Appropriations.” The Commission received more than 2.2 million indecency complaints during this period. The GAO fails to note that litigation has delayed resolution of many indecency investigations. *Fox Television Stations, Inc. v. FCC*, 489 F.3d 444 (D.C. Cir. 2007), *petition for cert. filed*, No. 07-582, 2007 Westlaw 3231567 (Nov. 1, 2007); *Complaints Against Various Television Licensees Concerning Their February 1, 2004 Broadcast of the Super Bowl XXXVII Halftime Show*, Order of Forfeiture, 21 FCC Rcd 2760, *recon. denied*, 21 FCC Rcd 6653 (2006), *pet. for rev. pending sub nom. CBS Corp. v. FCC*, No. 06-3575 (3d Cir. filed July 28, 2006).

It is difficult to determine the reasons why the trends we identified occurred. FCC officials were not able to explain or provide documents on why the number of complaints, investigations, and enforcement actions fluctuated from 2003 through 2006.” This statement is incorrect. The Enforcement Bureau provided explanations orally to the GAO.

"and the Market Dispute Resolution Division measures its effectiveness by the percentage of investigations initiated within statutory deadlines and the amount of time taken to close cases.” “MDRD is the Market Disputes Resolution Division (not “Markets”). Further, MDRD doesn’t conduct “investigations” instead, it conducts “proceedings.” Most MDRD proceedings are not subject to a statutory deadline. Because some proceedings are subject to statutory deadlines, MDRD measures the percentage of formal complaint proceedings subject to statutory deadlines in which an order issues within such deadline.

This statement is incorrect. The Bureau adopted performance goals during the period examined by the GAO. Specifically, the Commission works to resolve public safety interference complaints within one day; non-emergency interference complaints within one month; indecency complaints within nine months; and formal complaints within one year. The Commission
works to resolve all other investigations and complaints within 15 months. The Commission publicly reports on its progress at meeting these performance goals in its annual Performance and Accountability Report.

Page 29

p.29, lines 24-26, GAO Statement: “…the Enforcement Bureau will not have goals or performance measures for several of its divisions, such as the Investigations and Hearings Division or the Market Disputes Resolution Division.” This statement is inaccurate. The Bureau adopted performance goals during the period examined by the GAO. Specifically, the Commission works to resolve public safety interference complaints within one day; non-emergency interference complaints within one month; indecency complaints within nine months; and formal complaints within one year. The Commission works to resolve all other investigations and complaints within 15 months. The Commission publicly reports on its progress at meeting these performance goals in its annual Performance and Accountability Report.

Page 33

p. 33, lines 4-7, GAO Statement: “…we could not use FCC’s databases to determine how many of the 32,200 investigations that were closed with no enforcement action from 2003 through 2006 were closed because no violation was found, because of insufficient information, because the statute of limitations had expired, or for other reasons.” The Commission provided sufficient information for the GAO to determine the disposition of investigations using the databases.
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*This report includes the following enforcement actions: consent decrees; citations; debarments; hearing designations; notices of apparent liability; notices of violation; memo. opinion orders; revocations; show cause orders; and suspensions.*
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