

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

In the Matter of) FRN 0005-7970-14
)
Alan-Leonard Brockway) File No.: EB-01-ST-040
)
Kalispell, Montana) NAL/Acct. No. 200132980001

MEMORANDUM OPINION AND ORDER

Adopted: December 21, 2001

Released: January 4, 2002

By the Commission:

1. In this *Memorandum Opinion and Order* (“*Order*”), we deny the application for review¹ filed on August 6, 2001, by Alan-Leonard Brockway (“Brockway”). Brockway seeks review of a *Memorandum Opinion and Order* (“*MO&O*”)² released by the Enforcement Bureau (“Bureau”) on July 6, 2001. In that *MO&O*, the Bureau found that there was no basis for reconsidering the *Forfeiture Order*³ assessing a \$17,000 forfeiture against Brockway for willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (“Act”),⁴ and for willful violation of Section 303(n) of the Act.⁵ The noted violations involve Brockway’s operation of an FM broadcast station without authorization and his failure to make that station available for inspection.

2. We find that Brockway’s application for review provides no basis for reversing the Bureau’s decision. In fact, Brockway’s application for review contains nothing relevant to the issues in this proceeding. In particular, Brockway has not established the relevance of the cases he cites in his application for review [e.g., *Marbury v. Madison*, 5 U.S. 137 (1803) and *Heiner v. Donnan*, 285 U.S. 312 (1932)], and our review of those cases has found nothing relevant to this proceeding. We, therefore, find that there is no basis for granting Brockway’s application for review. *See generally* 47 U.S.C. § 155(c)(5).

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to Section 1.115(g) of the Rules,⁶ Brockway’s application for review of the *MO&O* released on July 6, 2001, **IS DENIED**.

¹ In response to the *Memorandum Opinion and Order* released on July 6, 2001, Brockway filed a document entitled “Second administrative notice of estoppel to proceed for want of subject matter jurisdiction in rem and/or quasi in rem” and a document entitled “Affidavit of Commercial Notice.” For the purpose of review, we are treating these documents as an application for review pursuant to Section 1.115 of the Commission’s Rules, 47 C.F.R. § 1.115.

² *Alan-Leonard Brockway*, 16 FCC Rcd 13191 (Enf. Bur. 2001).

³ *Alan-Leonard Brockway*, 16 FCC Rcd 10937 (Enf. Bur. 2001).

⁴ 47 U.S.C. § 301.

⁵ 47 U.S.C. § 303(n).

⁶ 47 C.F.R. § 1.115(g).

4. Payment of the seventeen thousand dollar (\$17,000) monetary forfeiture shall be made in the manner provided for in Section 1.80 of the Rules⁷ within 30 days of the release of this *Order*. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁸ Payment may be made by mailing a check or similar instrument, payable to the order of the “Federal Communications Commission,” to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. number referenced above. Requests for full payment under an installment plan should be sent to Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.⁹

5. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by Certified Mail Return Receipt Requested to Alan-Leonard Brockway at 5663 Highway 35, Kalispell, Montana 59901, and at 6477 Hwy. 93 South, #223, Whitefish, Montana 59937.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

⁷ 47 C.F.R. § 1.80.

⁸ 47 U.S.C. § 504(a).

⁹ See 47 C.F.R. § 1.1914.