

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Global Paratransit Inc.)	File No.: EB-FIELDWR-16-00021401
)	NAL/Acct. No.: 201732900004
)	FRN: 0005746409

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: March 22, 2017

Released: March 23, 2017

By the Regional Director, Region Three, Enforcement Bureau:

I. INTRODUCTION

1. We propose a penalty of \$13,000 against Global Paratransit Inc. (Global or Company) for apparently failing to operate its private land mobile radio (PLMR) station, Call Sign WPPY512, in accordance with the Commission's narrowbanding rules, failing to transmit its station identification, and failing to respond to a Commission communication. Because Global was required to modify its station to operate on a narrowband basis as of January 1, 2013, and did not do so, it created the potential for harmful interference, including potential interference to public safety operations in nearby frequency bands. Global failed to narrowband its operations despite the fact that the Commission provided land mobile licensees with significant advance notice of the requirement. Due to the length of time that Global had notice of the requirement to narrowband, and its failure to do so, we find this rule violation egregious and subject to an upward adjustment. Global also acted egregiously by operating on a wideband basis after surrendering its authorization to do so, which is also subject to an upward adjustment. Global's apparent violations thus deserve a significant penalty.

II. BACKGROUND

A. Narrowbanding Requirement

2. In 2003, the Commission adopted the *Narrowbanding Second Report and Order*¹ imposing a ten-year deadline of January 1, 2013, for licensees operating in the 150-174 MHz and 421-512 MHz bands to migrate their signals to 12.5 kHz or narrower bandwidths.² The Commission adopted the narrowbanding requirement to reduce congestion and increase efficiency in a number of frequency bands, including the frequency band in which Global operates.³

3. In addition to providing PLMR licensees with notice ten years in advance of the narrowbanding rule change, the Commission consistently reminded licensees of the upcoming

¹ See *Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies*, Second Report and Order and Second Further Notice of Proposed Rulemaking, 18 FCC Rcd 3034 (2003) (*Narrowbanding Second Report and Order*); see also *Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies*, Third Memorandum Opinion and Order, Third Further Notice of Proposed Rule Making and Order, 19 FCC Rcd 25045 (2004) (*Narrowbanding Third MO&O*).

² *Narrowbanding Second Report and Order*, 18 FCC Rcd at 3038, para. 12; see also *Narrowbanding Third MO&O*, 19 FCC Rcd at 25050, para. 9.

³ *Narrowbanding Second Report and Order*, 18 FCC Rcd at 3038, para. 12, 3044, para. 24.

narrowbanding obligations through public notices issued in 2009,⁴ 2010,⁵ 2011,⁶ and four times in 2012.⁷ The Commission also provided three post-transition public notices regarding the narrowband transition.⁸

B. Investigative History

4. Global is taxicab service provider located in Gardena, California, and holds a license for WPPY512, a land mobile station that operates on frequencies in the 450-470 MHz band.⁹ According to Global's license, it uses the frequencies to dispatch taxicabs. Global filed a renewal application for this station on February 19, 2015.¹⁰ Less than two weeks later, on March 3, 2015, the Commission's Wireless Telecommunications Bureau (WTB) returned Global's renewal application, stating that it would dismiss the application unless Global amended it: "Because your application is for a license that contains both wideband and narrowband emission designators and the wideband designators are impermissible, the application is being returned to have the wideband emission designators removed."¹¹ On May 1, 2015, Global filed a license modification application to delete wideband emission designators from its license, and filed an amendment to its renewal application to remove the wideband emissions designator on all frequencies on its license for WPPY512. Global's license modification application and its application for renewal, as amended, were granted on May 5, 2015.¹²

⁴ *Licensees, Frequency Coordinators, and Equipment Manufacturers Reminded of Narrowband Migration Deadlines in the 150-174 MHz and 421-512 MHz Bands*, Public Notice, 24 FCC Rcd 14511 (WTB 2009).

⁵ *See, e.g., The Office of Engineering and Technology, Wireless Telecommunications Bureau, and Public Safety and Homeland Security Bureau Remind Licensees, Frequency Coordinators, and Equipment Manufacturers of Narrowband Migration Deadlines in the 150-174 MHz and 421-512 MHz Bands*, Public Notice, 25 FCC Rcd 16990 (OET/WTB/PSHSB 2010).

⁶ *Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminder of January 1, 2013 Deadline for Transition to Narrowband in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters*, Public Notice, 26 FCC Rcd 9647 (2011).

⁷ *Less Than One Year Remains For Land Mobile Radio Licensees In the 150-174 MHz And 421-512 MHz Bands To Transition To Narrowband Operations*, Public Notice, 27 FCC Rcd 138 (WTB/PSHSB/OET 2012); *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Supplemental Guidance for Licensees in the 150-174 MHz and 421-512 MHz Bands Seeking Waivers of the January 1, 2013 Narrowbanding Deadline*, Public Notice 27 FCC Rcd 1936 (WTB/PSHSB 2012); *Enforcement Bureau Reminds Private Land Mobile Licensees and Equipment Manufacturers of the January 1, 2013 Deadline for Transitioning to Narrowband Technology*, Enforcement Advisory, 27 FCC Rcd 10160 (EB 2012); *Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminder of January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-470 MHz Bands*, Public Notice, 27 FCC Rcd 14896 (WTB/PSHSB/OET 2012).

⁸ *Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Guidance on Compliance With Narrowband Requirement Now in Effect for Private Land Mobile Radio Operations in the 150-174 MHz and 421-470 MHz Bands*, Public Notice, 28 FCC Rcd 2296 (WTB/PSHSB/OET 2013); *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Additional Guidance Regarding Post-Narrowbanding License Renewal Procedures for Private Land Mobile Radio Operators in the 150-174 MHz and 421-470 MHz Bands*, Public Notice, 29 FCC Rcd 2088 (WTB/PSHSB 2014); *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Additional Guidance Regarding Post-Narrowbanding Licensing Procedures for Private Land Mobile Radio Operators in the 150-174 MHz and 421-470 MHz Bands*, Public Notice, 31 FCC Rcd 127 (WTB/PSHSB 2016).

⁹ *See* Global Paratransit Inc., WPPY512, <http://wireless2.fcc.gov/UlsApp/UlsSearch/license.jsp?licKey=1821922>.

¹⁰ *See* ULS File No. 0006677831.

¹¹ Notice of Return to Lee Habibi, Global Paratransit, Inc., dated March 3, 2015, ULS File No. 0006677831.

¹² ULS File Nos. 0006677831 and 0006786823.

5. On January 12, 2016, the Enforcement Bureau's Los Angeles Office received an email from an anonymous source asserting that Global had failed to narrowband equipment transmitting on the frequency 452.775 MHz operating under its license for call sign WPPY512. On January 25, 2016, an agent from the Commission's Los Angeles office monitored Global's communications on 452.775 MHz and observed that WPPY512 did not operate with 12.5 kHz channelization, as required by the narrowband requirement.

6. On April 1, 2016, an agent from the Commission's Los Angeles Office contacted Global to schedule an inspection of its radio equipment. Global referred the Commission agent to a company called Mobile Relay Associates (MRA), which Global called its "service provider." MRA provides commercial space and maintenance services to Global for its transmitting equipment. In light of Global's request to contact MRA and MRA's access to Global's equipment, the Commission Agent contacted MRA and scheduled an inspection of Global's station for April 4, 2016.

7. On April 4, 2016, two Commission agents monitored and inspected radio station WPPY512. The agents found that WPPY512 was not operating in compliance with the narrowbanding requirement. The agents also interviewed a representative of MRA, who was present during the inspection. That representative told the agents that Global had failed to narrowband its radio station equipment operating on the frequency 452.775 MHz. Additionally, one of the agents observed that WPPY512 failed to transmit its station identification.

8. On May 13, 2016, the Los Angeles Office issued a Notice of Violation (NOV) to Global for violation of the Commission's rules governing bandwidth limits (*i.e.*, narrowbanding), and station identification rules applicable to land mobile licensees. On May 16, 2016, the Commission received notification that the NOV had been delivered to Global.¹³ Global never responded to the NOV.¹⁴

III. DISCUSSION

9. We find that Global apparently willfully and repeatedly violated several provisions in Part 90 of the Commission's rules and Section 1.903(a) of the Commission's rules, by failing to narrowband its operations, thereby failing to operate in accordance with the rules applicable to its particular service.¹⁵ Global also apparently violated the rules requiring it to transmit its call sign, and to respond to Commission communications.¹⁶ Each of these violations is discussed in further detail below.

A. Global Apparently Violated Section 90.209(b)(5) and 1.903(a) by Failing to Operate Within the Applicable Bandwidth Limits

10. Section 90.209(b)(5) requires licensees to comply with bandwidth limits applicable to its equipment and the frequencies on which it operates. In the 450-470 MHz band, in which Global operates, the channel bandwidth limit is 12.5 kHz, as noted above. As of January 1, 2013, the Commission's narrowbanding rules prohibit operation using a 25 kHz bandwidth in the 450-470 MHz frequency band, for which Global holds a license. When the agents measured the bandwidth of WPPY512 in January 2016, and again during their inspection in April 2016, they found that Global was operating with a 25 kHz bandwidth, in clear violation of the Rule. In addition, during the station inspection, Global's maintenance contractor, MRA, also said that the station failed to narrowband in accordance with the

¹³ See certified mail receipt, on file in EBATS File No. EB-FIELDWR-16-00021401.

¹⁴ Commission agents contacted Global by telephone on September 12 and September 13, 2016. They were directed to leave a voice mail message for someone named "Mr. Lee," which they did. The agents' calls were not returned.

¹⁵ 47 CFR § 1.903(a) ("Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part...").

¹⁶ 47 CFR §§ 90.425; 1.89(b).

Commission's narrowbanding rule.¹⁷ Accordingly, we find that Global apparently violated Section 90.209(b)(5) of the Commission's rules for failing to operate within the bandwidth limits applicable to the 450-470 MHz frequency band.

11. In addition, Section 1.903 of the Commission's rules requires stations in the Wireless Radio Services be "used and operated only in accordance with the rules applicable to their particular service ..."¹⁸ In response to Global's initial renewal application in March 2015, which included both narrowband and wideband emission designators, the Commission specifically told Global its renewal application would be rejected if it included the prohibited wideband designation. Global then amended the application to delete the wideband designation—leaving only the narrowband designators—thus representing to the Commission that it would only operate WPPY512 on narrowband. Global was subsequently granted the renewal license. Global, however, apparently disregarded what it told the Commission and continued to operate in violation of the narrowband requirement, as verified by the agents through testing in January 2016. Thus, Global's operations did not match the terms of its license. Accordingly, we find that Global also apparently violated Section 1.903(a) of the Commission's rules by failure to narrowband its operations, and, so doing, failed to comply with its license terms.

B. Global Apparently Violated Section 90.425 by Failing to Transmit its Station Identification

12. The agents also monitored Global's transmissions to determine if WPPY512 was transmitting its station identification, as required by Section 90.425 of the Commission's rules.¹⁹ The agents found that station WPPY512 was not transmitting its station identification. We conclude that Global apparently violated Section 90.425 by failing to transmit its call sign as required by the Commission's rules.

C. Global Apparently Violated Section 1.89(b) by Failing to Respond to the Bureau's NOV

13. In addition to its ongoing operational rule violations, Global apparently violated Section 1.89(b) of the Commission's rules. Section 403 of the Act authorizes the Commission to institute on its own motion any inquiry into, *inter alia*, any matter relating to the enforcement of the Act or the Commission's rules. Section 308 of the Act provides that the Commission "during the term of any such licenses, may require from ... a licensee further written statements of fact to enable it to determine whether ... such license [should be] revoked" Section 1.89 of the Commission's rules states that licensees must submit a written answer to a NOV to the office originating the NOV within 10 days of receipt of the NOV or within such period as may be specified.²⁰ The agents issued a NOV on May 13, 2016, and obtained confirmation that Global received the NOV when it obtained the signed certified mail receipt. The Commission has not received a response to the NOV, as required by Section 1.89(b) of the Commission's rules.

D. Proposed Forfeiture

14. Section 503(b) of the Act authorizes the Commission to impose a forfeiture against any entity that "willfully or repeatedly fail[s] to comply with any of the provisions of [the Act] or of any rule, regulation, or order issued by the Commission."²¹ 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

¹⁷ See paras. 6-7, *supra*.

¹⁸ 47 CFR § 1.903(a).

¹⁹ 47 CFR § 90.425.

²⁰ 47 CFR § 1.89(b).

²¹ 47 U.S.C. § 503(b).

law.²² The Commission may also assess a forfeiture for violations that are merely repeated, and not willful. The term “repeated” means the commission or omission of such act more than once or for more than one day.²³ Based on the record before us, Global’s apparent violations of the Act and the Commission’s rules are both willful and repeated.

15. Here, Section 503(b)(2)(D) of the Act authorizes us to assess a forfeiture against Global of up to \$19,246 for each day of a continuing violation, up to a statutory maximum of \$144,344 for a single act or failure to act.²⁴ In exercising our forfeiture authority, we must consider 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.”²⁵ In addition, the Commission has established forfeiture guidelines; they establish base penalties for certain violations and identify criteria that we consider when determining the appropriate penalty in any given case.²⁶ Under these guidelines, we may adjust a forfeiture upward for violations that are egregious, intentional, or repeated, or that cause substantial harm or generate substantial economic gain for the violator.²⁷ As discussed above, we find that Global is apparently liable for three violations: (1) failure to comply with the narrowbanding requirement; (2) failure to transmit station identification; and (3) failure to respond to Commission communications. We propose forfeitures for each of these apparent violations below.

²² 47 U.S.C. § 312(f)(1).

²³ 47 U.S.C. § 312(f)(2).

²⁴ See 47 U.S.C. § 503(b)(2)(D); 47 CFR §§ 1.80(b)(7), (9). These amounts reflect inflation adjustments to the forfeitures specified in Section 503(b)(2)(D) (\$10,000 per violation or per day of a continuing violation and \$75,000 per any single act or failure to act). The Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. No. 101-410, 104 Stat. 890, as amended by the Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, Sec. 31001, 110 Stat. 1321 (DCIA), as further amended by the Federal Reports Elimination Act of 1998, Pub. L. No. 105-362, Sec. 1301, 112 Stat. 3280, and as further amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Sec. 701, Pub. L. No. 114-74, 129 Stat. 599 (2015 Inflation Adjustment Act) (collectively, Federal Civil Penalties Inflation Adjustment Act, as amended), codified as amended at 28 U.S.C. § 2461 note, required the Commission to adjust its penalties for inflation and publish interim final rules with the initial penalty adjustment amounts by July 1, 2016 and new penalty levels must take effect no later than August 1, 2016. See 28 U.S.C. § 2461 note. The Commission published those interim final rules on June 30, 2016. See *Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, 31 FCC Rcd 6793 (EB 2016); see also *Adjustment of Civil Monetary Penalties to Reflect Inflation*, 81 Fed. Reg. 42554 (June 30, 2016) (setting August 1, 2016, as the effective date for the increases). The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended, also requires agencies, starting in 2017, to adjust annually the civil monetary penalties covered thereunder, and to publish each such annual adjustment by January 15 of each year. 28 U.S.C. § 2461 note, citing the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended, § 4(a). See also Office of Mgmt. & Budget, Exec. Office of the President, Memorandum for the Heads of Executive Departments and Agencies re Implementation of the 2017 annual adjustment pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, M-17-11, Dec. 16, 2016 at 1, https://www.whitehouse.gov/sites/default/files/omb/memoranda/2017/m-17-11_0.pdf. The Bureau released the order making the 2017 annual adjustment on December 30, 2016. See *Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, 31 FCC Rcd 13485 (EB 2016); see also *Adjustment of Civil Monetary Penalties to Reflect Inflation*, 82 Fed. Reg. 8170 (Jan. 24, 2017) (setting January 24, 2017, as the effective date for the increases). The 2015 Inflation Adjustment Act provides that the new penalty levels shall apply to penalties assessed after the effective date of the increase, “including [penalties] whose associated violation predated such increase.” See 28 U.S.C. § 2461 note, citing the Federal Civil Penalties Inflation Adjustment Act, as amended, § 6.

²⁵ 47 U.S.C. § 503(b)(2)(E).

²⁶ 47 CFR § 1.80(b)(8), Note to paragraph (b)(8).

²⁷ *Id.*

16. First, Global is apparently liable for failure to comply with the Commission's narrowbanding requirement. Although the *Forfeiture Policy Statement* does not establish a forfeiture amount for failure to comply with the narrowbanding requirement, it does state that, "any omission of a specific rule violation ... should not signal that the Commission considers any unlisted violation as nonexistent or unimportant."²⁸ In cases in which the Commission has not established a base forfeiture amount for a particular apparent violation, it has looked to the base forfeitures established or issued in analogous cases for guidance.²⁹ In one such case, the Bureau found that an earth station operator had increased the bandwidth of its transmissions beyond that permitted by its license, and proposed a forfeiture amount of \$4,000 for that violation.³⁰ Accordingly, we propose a base forfeiture amount of \$4,000 for Global's apparent narrowbanding violation.

17. Second, Global failed to transmit its station identification, as required by Section 90.425(a).³¹ Section 1.80(b) of the Commission's rules sets a base forfeiture of \$1,000 for failure to transmit station identification for each violation or each day of a continuing violation.

18. Third, Section 1.80(b) of the Commission's rules sets a base forfeiture of \$4,000 for failure to respond to Commission communication for each violation or each day of a continuing violation. Pursuant to Section 308 of the Act and Section 1.89 of the Commission's rules, the Los Angeles Office issued an NOV, confirmed the Global received the NOV, and Global did not respond. Therefore, we propose a base forfeiture of \$4,000 for Global's apparent willful and repeated violation of Section 308 of the Act and Section 1.89 of the Commission's rules for failure to respond to Commission correspondence.

19. Combining all the base forfeiture amounts enumerated above, the total base forfeiture amount for Global's apparent violations is \$9,000. We have discretion, however, to depart from the Commission's forfeiture guidelines, taking into account the particular facts of each individual case.³²

20. Given the totality of the circumstances, and consistent with the *Forfeiture Policy Statement*, we conclude that two significant upward adjustments of the proposed forfeiture amount for the narrowbanding violation (\$4,000 proposed base forfeiture) are warranted. First, the Commission initially adopted the narrowbanding requirement for the frequencies in question in 2003.³³ The Commission subsequently issued a number of additional orders and reminders to licensees about the narrowbanding

²⁸ *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, 17099, para. 22 (1997) (*Forfeiture Policy Statement*), *recons. denied*, 15 FCC Rcd 303 (1999).

²⁹ See, e.g., *Terracom, Inc. and YourTel America, Inc.*, Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 13325, 13342, para. 47 (2014); *SBC Communications Inc.*, Order on Review, 17 FCC Rcd 4043, 4051-52, para. 20 (2002).

³⁰ *American General Finance, Inc. Licensee of Earth Stations E950320, E950321, E950322, E950323, Evansville, Indiana*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 6935, 6938-39, para. 8 (EB 2006).

³¹ 47 CFR § 90.425(a).

³² *Forfeiture Policy Statement*, 12 FCC Rcd at 17098-99, para. 22 (1997) (noting that "[a]lthough we have adopted the base forfeiture amounts as guidelines to provide a measure of predictability to the forfeiture process, we retain our discretion to depart from the guidelines and issue forfeitures on a case-by-case basis, under our general forfeiture authority contained in Section 503 of the Act").

³³ *Narrowbanding Second R&O*, 18 FCC Rcd 3034; 3038, para. 12; 47 CFR §§ 90.203(j), 90.209(b)(5); see also *Narrowbanding Third MO&O*, 19 FCC Rcd 25045, 25049-50, para. 9.

requirement.³⁴ As a licensee, Global is required to be aware of the Commission's rules.³⁵ Yet after ten years' advance notice, Global has operated in violation of those rules for a period of more than four years. As noted above, Global demonstrated that it had actual notice of the narrowbanding requirements when it amended its renewal application. Due to the length of time that Global had notice of the requirement to narrowband its operation an upward adjustment is appropriate.³⁶ In this case, we find that an upward adjustment of the proposed forfeiture amount for the narrowbanding violation, or \$2,000, is appropriate.

21. Second, we also find that Global's failure to modify its operations to be consistent with its license terms is egregious. When Global modified its license and amended its renewal application to reflect the modification, *i.e.*, to delete its wideband authorization, it surrendered the authority to operate on a wideband basis. Once Global's license was modified, it was obliged to implement conforming changes to its operating parameters. Global's decision to continue to operate on a wideband basis after modifying its license to surrender the authority to do so is egregious, and so warrants an additional \$2,000 upward adjustment. After applying the Forfeiture Policy Statement, Section 1.80 of the Commission's rules, and the two upward adjustments discussed above, we propose a total forfeiture of \$13,000 for which Global is apparently liable.

IV. CONCLUSION

22. We have determined that Global apparently willfully and repeatedly violated Sections 1.903(a), 90.209(b)(5), 90.425, and 1.89(b) of the Commission's rules. As such, Global is apparently liable for a forfeiture of \$13,000.

³⁴ See, e.g., *The Office of Engineering and Technology, Wireless Telecommunications Bureau, and Public Safety and Homeland Security Bureau Remind Licensees, Frequency Coordinators, and Equipment Manufacturers of Narrowband Migration Deadlines in the 150-174 MHz and 421-512 MHz Bands*, Public Notice, 25 FCC Rcd 16990 (OET/WTB/PSHSB 2010); *Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Reminder of January 1, 2013 Deadline for Transition to Narrowband in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters*, Public Notice, 26 FCC Rcd 9647 (2011); *Less Than One Year Remains For Land Mobile Radio Licensees In the 150-174 MHz And 421-512 MHz Bands To Transition To Narrowband Operations*, Public Notice, 27 FCC Rcd 138 (2012); *Enforcement Bureau Reminds Private Land Mobile Licensees and Equipment Manufacturers of the January 1, 2013 Deadline for Transitioning to Narrowband Technology*, Enforcement Advisory, 27 FCC Rcd 10160 (EB 2012); *Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering and Technology Provide Guidance on Compliance With Narrowband Requirement Now in Effect for Private Land Mobile Radio Operations in the 150-174 MHz and 421-470 MHz Bands*, Public Notice, 28 FCC Rcd 2296 (WTB/PSHSB/OET 2013); *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Additional Guidance Regarding Post-Narrowbanding License Renewal Procedures for Private Land Mobile Radio Operators in the 150-174 MHz and 421-470 MHz Bands*, Public Notice, 29 FCC Rcd 2088 (WTB/PSHSB 2014).

³⁵ "Licensees, however, are expected to know and comply with the Rules..." *American Samoa Telecommunications Authority*, Forfeiture Order, 22 FCC Rcd 13174, 13179, para. 8 (2012), citing *Forfeiture Policy Statement*, 12 FCC Rcd at 17099, para. 22 ("[t]he Commission expects [each licensee], and it is each licensee's obligation, to know and comply with all of the Commission's rules").

³⁶ While section 503(b)(6) of the Act bars the Commission from proposing a forfeiture for violations that occurred more than a year prior to the issuance of an NAL, we may consider the fact that Global's misconduct occurred over an extended period to place "the violations in context, thus establishing the licensee's degree of culpability and the continuing nature of the violations." *Roadrunner Transportation Inc.*, Forfeiture Order, 15 FCC Rcd 9669, 9671-72, para. 8 (2000). The forfeiture amount we propose herein relates only to Global's apparent violations that occurred within the past year.

V. ORDERING CLAUSES

23. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Act³⁷ and Sections 1.80 of the Commission's rules,³⁸ Global Paratransit Inc. is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of thirteen thousand dollars (\$13,000) for willful and repeated violations of Sections 1.903(a), 90.209(b)(5), 90.425, and 1.89(b) of the Commission's rules.³⁹

24. **IT IS FURTHER ORDERED** that, pursuant to Section 1.80 of the Commission's rules,⁴⁰ within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, Global Paratransit Inc. **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 27 below.

25. 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. Global Paratransit, Inc. shall send electronic notification of payment to Janet Moran at Janet.Moran@fcc.gov on the date said payment is made. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.⁴¹ 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 that should be followed based on the form of payment selected:

- 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.

26. 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, SW, Room 1-A625, Washington, DC 20554.⁴² Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

³⁷ 47 U.S.C. § 503(b).

³⁸ 47 CFR § 1.80.

³⁹ 47 CFR §§ 1.903(a), 90.209(b)(5), 90.425, 1.89(b).

⁴⁰ 47 CFR § 1.80.

⁴¹ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

⁴² See 47 CFR § 1.1914.

27. 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 1.16 and 1.80(f)(3) of the Commission's rules.⁴³ The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554, ATTN: Enforcement Bureau – Office of the Field Director, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to Janet Moran at Janet.Moran@fcc.gov.

28. 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.

29. **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 Reza Nasrollahy, Global Paratransit, Inc., 400 W. Compton Blvd., Gardena, CA 90238.

FEDERAL COMMUNICATIONS COMMISSION



Lark Hadley
Regional Director
Region Three
Enforcement Bureau

⁴³ 47 CFR §§ 1.16, 1.80(f)(3).