

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Four Non-Compliant Participating Providers in the
Affordable Connectivity Program
File Nos. [Provided in Appendix A]
FRN Nos. [Provided in Appendix A]
NAL/Acct. Nos. [Provided in Appendix A]

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: August 19, 2024

Released: September 11, 2024

By the Commission: Chairwoman Rosenworcel issuing a statement; Commissioner Simington dissenting and issuing a statement.

I. INTRODUCTION

1. In this Notice of Apparent Liability (NAL), the Federal Communications Commission (FCC or Commission) identifies four broadband internet access service providers that failed to submit certified complete Affordable Connectivity Program (ACP) plan and subscribership data in apparent violation of the Commission’s ACP Transparency Data Collection (TDC) rules. The Commission proposes a cumulative forfeiture of \$470,605.62 apportioned among the providers.

II. BACKGROUND

A. Legal Background

2. On November 15, 2021, the president signed the Infrastructure Investment and Jobs Act (Infrastructure Act) to modify and extend the Emergency Broadband Benefit Program (EBB Program) to a longer-term broadband affordability program under the ACP, for which Congress appropriated \$14.2 billion.1 The Infrastructure Act mandated, among other things, that the Commission issue broadband transparency rules regarding the annual collection of information about the price and subscription rates of internet service offerings received by households enrolled in the ACP.2 The Infrastructure Act further required the Commission to verify the accuracy of the data submitted and to make data from this annual

1 Affordable Connectivity Program, WC Docket No. 21-450, Notice of Proposed Rulemaking, 37 FCC Rcd 7216, 7216-17, para. 1 (2022) (ACP Data Collection NPRM 2022); Affordable Connectivity Program, WC Docket No. 21-450, Fourth Report and Order and Further Notice of Proposed Rulemaking, 37 FCC Rcd 13773, 13774, para. 3 (2022) (ACP Fourth Report and Order). See also Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429 (2021), https://www.govinfo.gov/content/pkg/PLAW-117publ58/pdf/PLAW-117publ58.pdf (Infrastructure Act). The Infrastructure Act amended the 2021 Consolidated Appropriations Act to modify the and extend the EBB Program to the ACP. See Infrastructure Act, Pub. L. No. 117-58, 135 Stat. 1238, div. F, tit. V, § 60501, et seq.; Consolidated Appropriations Act, Pub. L. No. 116-260, 134 Stat. 1182, div. N, tit. IX, § 904, et seq. (2021) (2021 Consolidated Appropriations Act). The Commission announced the wind-down of the ACP due to a lack of additional funding from Congress. Affordable Connectivity Program, WC Docket No. 21-450, Order, DA 24-23 (WCB Jan. 11, 2024). Effective June 1, 2024, the ACP is no longer offering the benefit to eligible households. See Fed. Commc’ns Comm’n, Affordable Connectivity Program, fcc.gov/acp (last visited July 10, 2024).

2 ACP Data Collection NPRM 2022, at 7217, para. 1; Infrastructure Act, div. F, tit. V, § 60502(c)(1).

collection publicly available in a commonly used electronic format that protects personally identifiable information and proprietary information.³

3. On November 15, 2022, the Commission adopted the final rules for the ACP TDC pursuant to the requirements of the Infrastructure Act.⁴ Under the Commission's ACP TDC rules, providers participating in the ACP (collectively, participating providers or providers) were required, by November 30, 2023, to submit and certify plan and subscriber data based on ACP subscribers enrolled as of August 1, 2023.⁵ In establishing the ACP TDC in the Infrastructure Act, Congress directed the Commission to collect detailed data about the services to which ACP households chose to apply the affordable connectivity benefit.⁶ Participating providers that failed to submit data in a timely manner deprived the Commission and the public of information used to determine the value provided by the ACP and to evaluate progress towards the program goal of reducing the digital divide.⁷

4. At the Commission's direction, the Wireline Competition Bureau (WCB), the Office of Economics and Analytics (OEA), and the Universal Service Administrative Company (USAC) developed educational and training materials to assist providers with the ACP TDC rules and processes.⁸ WCB, OEA, and USAC also developed an online portal for participating providers to submit their data, which was available at: <https://getinternet.gov/acptdc>.⁹

5. *Data Submission Deadline and Certification.* On August 11, 2023, WCB set the data collection deadline as November 9, 2023.¹⁰ On November 9, 2023, WCB extended the data collection deadline to November 30, 2023, to allow additional time for ACP providers to submit their data, accounting for two intervening federal holidays (Veterans Day and Thanksgiving), and accounting for technical issues that affected certain filers.¹¹ The data submitted was to be based on a reference or

³ *ACP Data Collection NPRM 2022*, at 7217-18, para. 3; Infrastructure Act, div. F, tit. V, § 60502(c)(2), (4).

⁴ See generally *ACP Fourth Report and Order*; see also 47 CFR § 54.1813.

⁵ See 47 CFR § 54.1813(c); *Affordable Connectivity Program Transparency Data Collection Deadline Extended to Nov. 30, 2023*, WC Docket No. 21-450, Public Notice, DA 23-1066, 2023 WL 8602194 (WCB 2023) (*ACP TDC 2023 Deadline Extension*).

⁶ See *ACP Fourth Report and Order*, *supra* note 1, at 13774, 13799, paras. 2, 54.

⁷ *Id.* at 13774, para. 2.

⁸ *Id.* at 13816, para. 93.

⁹ Fed. Comm'n's Comm'n, ACP Transparency Data Collection System, <https://getinternet.gov/acptdc> (last visited July 12, 2024). See also *Wireline Competition Bureau Provides Data Fields to Be Collected Under the Affordable Connectivity Program Transparency Data Collection*, WC Docket No. 21-450, Public Notice, 38 FCC Rcd 2257 (WCB 2023); Universal Service Administrative Co., ACP Transparency Data Collection System: User Guide, <https://www.usac.org/wp-content/uploads/about/documents/acp/TDC-User-Guide.pdf> (last visited July 12, 2024).

¹⁰ See *Wireline Competition Bureau Announces Completion of OMB Rev. & Key Dates for Affordable Connectivity Program Transparency Data Collection*, WC Docket No. 21-450, Public Notice, DA 23-683, 2023 WL 5197286, at *1 (WCB 2023) (setting the collection deadline as November 9, 2023, with a reference or snapshot date of August 1, 2023) (*Initial Notice of ACP TDC Deadline*); 47 CFR § 54.1813(c). Participating providers were also required to submit the required information annually after the initial collection. 47 CFR § 54.1813(c). For the inaugural data collection, the Commission directed WCB to set the initial submission deadline and establish a reference or "snapshot" date for the data to be submitted by participating providers. *ACP Fourth Report and Order*, *supra* note 1, at 13802, para. 59. All participating providers were required to submit and certify complete information by the date set by WCB. *Id.*; see also 47 CFR § 54.1813(b)-(d).

¹¹ *ACP TDC 2023 Deadline Extension*, *supra* note 5.

snapshot date of August 1, 2023.¹² All data submitted by participating providers were required to be certified by an officer of the provider.¹³

6. *Required Data.* The Commission established an aggregate data collection that was “designed to capture information about ACP-supported services[.]”¹⁴ Under this data collection methodology, participating providers were to submit information about the number of subscribers for each unique plan by ZIP code.¹⁵ For each ACP plan to which a household was enrolled, a participating provider was required to provide at the ZIP code level: (i) a unique identifier with certain plan characteristics; (ii) the number of ACP households subscribed; (iii) the number of ACP households that had reached a data cap in the month prior to the snapshot date; (iv) the average amount by which ACP households had exceeded the data cap for the month prior to the snapshot date; (v) the average dollar amount paid by ACP households that had exceeded the data cap; and (vi) the number of households receiving the ACP Tribal enhanced benefit, the ACP high-cost enhanced benefit, and the Lifeline benefit.¹⁶ Participating providers were also required to provide the aforementioned metrics for legacy plans with exceptions for certain plan characteristics such as speed (actual and advertised), latency, introductory monthly charge, the length of the introductory period, and any one-time fees.¹⁷

7. *Wind-down and Expiration of the ACP.* The last fully funded month of the ACP was April 2024.¹⁸ The Commission directed its staff to account for the ACP TDC in wind-down procedures in light of the expiration of the ACP.¹⁹ The Commission, however, retained authority to enforce the ACP rules despite the ACP’s expiration.²⁰

8. The Commission notified participating providers that the Commission remained “committed to ensuring the integrity of the ACP and addressing potential non-compliance using the full range of the Commission’s authority and available tools, including audit and investigatory procedures and in cooperation with the FCC Office of Inspector General and law enforcement agencies.”²¹ Participating providers were “reminded of their obligation to comply with USAC and Commission requests,” as well as the document retention requirements, which extended after the end of the ACP.²² Providers were further

¹² *ACP TDC 2023 Deadline Extension*, *supra* note 5, at *1; *Initial Notice of ACP TDC Deadline*, *supra* note 10, at *1.

¹³ See 47 CFR § 54.1813(d) (stating that an officer of the participating provider must certify, under penalty of perjury, that: “(1) The officer is authorized to submit the data collection on behalf of the participating provider; and (2) The data and information provided in the data collection is true, complete, and accurate to the best of the officer’s knowledge, information, and belief, and is based on information known to the officer or provided to the officer by employees responsible for the information being submitted.”).

¹⁴ *ACP Fourth Report and Order*, *supra* note 1, at 13776, para. 8.

¹⁵ *Id.* at 13780, para. 16.

¹⁶ 47 CFR § 54.1813(b)(1); see also *ACP Fourth Report and Order*, *supra* note 1, at 13780-13798, paras. 17-52 (describing the information that participating providers are required to provide and the rationale thereto).

¹⁷ 47 CFR § 54.1813(b)(2).

¹⁸ *Wireline Competition Bureau Announces the Final Month of the Affordable Connectivity Program*, WC Docket No. 21-450, DA 24-195, 2024 WL 981912, at *14 (WCB Mar. 4, 2024).

¹⁹ *ACP Fourth Report and Order*, *supra* note 1, at 13805, para. 66.

²⁰ *Affordable Connectivity Program*, WC Docket No. 21-450, Order, DA 24-23, 2024 WL 147150, at *12, para. 34 (WCB 2024) (announcing the requirements and guidance for wind-down of the ACP) (*ACP Wind-down Order*).

²¹ *Id.*

²² *Id.* at *12, para. 34 & n.75 (citing 47 CFR § 54.1811) (explaining that providers are required to “maintain records to document compliance with all Commission requirements governing the [ACP] for the six full preceding calendar years.”); *Affordable Connectivity Program, Emergency Broadband Benefit Program*, WC Docket Nos. 21-450 and

reminded of “their obligation to use robust policies and procedures for ensuring compliance with the Commission’s rules[.]”²³

B. Factual Background

9. Appendix A, below, sets forth the relevant, unique facts pertaining to each entity identified in the caption of this item and describes, with specificity, each entity’s conduct in relation to the ACP TDC rules. On March 25, 2024, WCB referred the entities listed in Appendix A to the Enforcement Bureau (Bureau).²⁴ Additionally, Appendix B provides a detailed breakdown of the proposed forfeiture for each entity. Appendix C identifies mailing addresses for the entities.²⁵

III. DISCUSSION

10. We find that the participating providers identified in Appendix A apparently willfully violated section 54.1813(c) and (d) of the Commission’s rules by apparently failing to submit certified complete ACP TDC plan and subscribership data.²⁶ These providers’ apparent failure to submit and certify complete data to the Commission ultimately impairs the integrity of the ACP and the Commission’s mandate to assist the public in obtaining affordable broadband services by depriving the Commission of critical information. The data collected is imperative to assessing the efficacy of the ACP and the longer-term needs of those seeking affordable broadband services.²⁷ These providers’ non-compliance with the Commission’s ACP TDC rules left the Commission and the public with an incomplete picture of the ACP services households were receiving. The Commission takes its mandate from Congress to collect data related to the ACP seriously, and a provider’s disregard for the data collection requirements jeopardizes these efforts.

A. Four Participating Providers Apparently Violated the ACP TDC Rules

11. A violation of the ACP rules, including the TDC rules, is to be treated as a violation of the Communications Act of 1934, as amended (Act), or a regulation promulgated under the Act.²⁸ The Commission must enforce the portion of the Infrastructure Act establishing the ACP and associated regulations “in the same manner, by the same means, and with the same jurisdiction, powers, and duties

20-445, Report and Order and Further Notice of Proposed Rulemaking, 37 FCC Rcd 484, 593, para. 234 (2022) (*ACP Order*) (adopting Emergency Broadband Benefit document retention requirements without modification); *EBB Program Order*, WC Docket No. 20-445, Report and Order, 36 FCC Rcd 4612, 4644, para. 67 (2021) (“We require that providers keep all documentation provided to them from the applicant used to make eligibility determinations, for as long as the applicant receives the Emergency Broadband Benefit, and also for no less than the six full calendar years following the termination of the EBB Program.”). Providers are required to “maintain records to document compliance with all Commission requirements governing the [ACP] for the six full preceding calendar years.” 47 CFR § 54.1811. Providers must provide that documentation upon request by the Commission or USAC. *See id.*

²³ *ACP Wind-down Order*, at *12, para. 34.

²⁴ Information on file in Investigation Numbers EB-IHD-24-00036894, EB-IHD-24-00036896, EB-IHD-24-00036898, EB-IHD-24-00036900.

²⁵ *See* 47 CFR § 1.80(g)(2) (“The notice of apparent liability will be sent to the respondent, by certified mail, at his last known address (see § 1.5).”). As a courtesy, we are sending copies of this notice by e-mail to each entity’s points of contact as delineated in Appendix C.

²⁶ *Id.* § 54.1813(c), (d); *ACP Fourth Report and Order*, *supra* note 1; *ACP TDC 2023 Deadline Extension*, *supra* note 5.

²⁷ *See ACP Fourth Report and Order*, *supra* note 1, at 13774, para. 2.

²⁸ *ACP Order*, *supra* note 22, at 594, para. 237 & n. 672 (stating that the Infrastructure Act “left intact the declaration that a violation of section 904[,] [establishing the EBB Program,] or any regulation promulgated under that section ‘shall be treated as a violation of the Communications Act of 1934 or a regulation promulgated under such Act.’”) (citing the *2021 Consolidated Appropriations Act*, *supra* note 1, div. N, tit. IX, § 904(g)).

as though all applicable terms and provisions of the [Act] were incorporated or made a part of [that] section.”²⁹ The Infrastructure Act expressly granted the Commission the authority to impose forfeiture penalties to enforce compliance.³⁰

12. We find that each participating provider listed in Appendix A apparently willfully violated section 54.1813(c) and (d) of the Commission’s rules and orders by failing to submit any certified ACP TDC plan and subscribership data.³¹ Appendix A, below, explains in specific detail the relevant factual background pertaining to each participating provider’s individual circumstances.

B. Proposed Forfeiture

13. Under section 503(b)(1)(B) of the Act, any person who is determined by the Commission to have willfully or repeatedly failed to comply with any provision of the Act or any rule, regulation, or order issued by the Commission shall be liable to the United States for a forfeiture penalty.³² In order to impose such a forfeiture penalty, the Commission must issue a notice of apparent liability, the notice must be received by the person against whom the notice has been issued or be sent to the last known address of the person by certified mail, and the person must have an opportunity to show, in writing, within a reasonable amount of time, why no such forfeiture penalty should be imposed.³³ The Commission will then issue a forfeiture order if it finds, by a preponderance of the evidence, that the person has willfully or repeatedly violated the Act or a Commission rule.³⁴ Section 312(f)(1) of the Act defines willful as “the conscious and deliberate commission or omission of such act, *irrespective of any intent* to violate . . . any rule or regulation of the Commission.”³⁵

14. Moreover, the Commission’s *Forfeiture Policy Statement*³⁶ specifies that the Commission shall impose a forfeiture based upon consideration of the factors enumerated in section 503(b)(2)(E) of the Act, including “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.”³⁷

15. Providers participating in the ACP may be subject to enforcement action, including forfeitures and removal from the ACP, for failing to comply with the ACP TDC rules.³⁸ In this case, a

²⁹ *ACP Order*, *supra* note 22, at 594, para. 237 (quoting the *2021 Consolidated Appropriations Act*, *supra* note 1, div. N, tit. IX, § 904(g)).

³⁰ 47 U.S.C. § 1752(b)(9)(C)(ii).

³¹ *See* 47 CFR § 54.1813(c), (d); *ACP Fourth Report and Order*, *supra* note 1; *ACP TDC 2023 Deadline Extension*, *supra* note 5.

³² *See* 47 U.S.C. § 503(b)(1)(B); 47 CFR § 1.80(a)(2).

³³ *See* 47 U.S.C. § 503(b)(4); 47 CFR § 1.80(g).

³⁴ *See, e.g., SBC Commc’ns, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591, para. 4 (2002) (forfeiture paid).

³⁵ 47 U.S.C. § 312(f)(1) (emphasis added). The legislative history to section 312(f)(1) of the Act clarifies that this definition of willful applies to both sections 312 and 503(b) of the Act, H.R. Rep. No. 97-765, 97th Cong. 2d Sess. 51 (1982), and the Commission has so interpreted the term in the section 503(b) context. *See, e.g., S. Cal. Broad. Co.*, Memorandum Opinion and Order, FCC 91-204, 6 FCC Rcd 4387, 4387-88, para. 5 (1991).

³⁶ *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, CI Docket No. 95-6, Report and Order, 12 FCC Rcd 17087, 17100-01, para. 27 (1997), *re-cons. Denied*, 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*); *see also* 47 CFR § 1.80(b)(11).

³⁷ 47 U.S.C. § 503(b)(2)(E); *see also* 47 CFR § 1.80(b)(11); *Forfeiture Policy Statement*, at 17100-17101, para. 27.

³⁸ *ACP Fourth Report and Order*, *supra* note 1, at 13816-19, paras. 94-100. *See* 47 CFR § 54.1801(f)(3)(i) (all participating providers must acknowledge that they are “subject to the Commission’s enforcement, fine, or forfeiture authority under the Communications Act[.]”); *id.* § 54.1813(f) (stating that failing to submit ACP TDC information by the compliance date is a violation that is subject to the Commission’s enforcement authority); *see also* 47 CFR §

“violation of the [ACP transparency data] collection requirement occurs where a provider fails to submit information by the compliance date for a state in which the provider has ACP-enrolled subscribers.”³⁹ For the Commission’s initial data collection, all participating providers were required to submit the required data by November 30, 2023.⁴⁰ The Commission adopted a base forfeiture amount for each state. The base forfeiture amount for each state is the lesser of \$22,000 or the latest monthly ACP reimbursement claim amount, for each state for which a provider failed to submit complete information.⁴¹ A participating provider may further be subject to the Commission’s involuntary removal process.⁴²

16. A monetary forfeiture is warranted against each participating provider listed in Appendix A for apparent willful violations of section 54.1813(c) and (d) of the Commission’s rules and orders because each of these participating providers apparently failed to submit and certify complete data by the deadline of November 30, 2023.⁴³ In considering the relevant statutory factors, the requirement under section 54.1813(c) and (d) of the Commission’s rules, and the *Forfeiture Policy Statement*, we believe that a forfeiture is warranted against each provider cited in Appendix A for apparent willful violations of section 54.1813(c) and (d) of the Commission’s rules and orders. Appendix A, below, explains in specific detail the proposed forfeiture amount for each provider. We believe imposing these forfeiture

54.1801(e)(2) (delineating the involuntary removal process); *ACP Fourth Report and Order*, *supra* note 1, at 13818, para. 100 (declining to “carve-out violations of the ACP Transparency Data collection rules from the ACP’s involuntary removal process”).

³⁹ 47 CFR § 54.1813(f). The term “state” as used herein and in Appendix A includes states, the District of Columbia, and territories. The term “state” is left undefined in the relevant part of the CFR concerning the ACP as well as the EBB Program. However, the ACP was available to eligible low-income households in the District of Columbia, and certain territories including Puerto Rico, American Samoa, Guam, the United States Virgin Islands, and the Northern Mariana islands. *See* Universal Service Administrative Company, ACP Enrollment and Claims Tracker, <https://www.usac.org/about/affordable-connectivity-program/ACP-enrollment-and-claims-tracker/> (last visited July 10, 2024) (showing ACP enrollment and claims figures by state, territory, and the District of Columbia). Such an interpretation is consistent with general principles of statutory interpretation, the Infrastructure Act, and the Commission’s rules. *See Util. Air Regul. Grp. v. EPA*, 573 U.S. 302, 319 (2014) (stating that the natural presumption is that “identical words used in different parts of the same act are intended to have the same meaning” absent context to the contrary); *see also* Infrastructure Act, *supra* note 1, 135 Stat. 1238, div. F, tit. V, § 60501 (under Title V, concerning the ACP, leaving undefined the term “state”); Infrastructure Act, *supra* note 1, 135 Stat. 1182, div. F, tit. I, § 60102(a)(2)(M) (under Title I, concerning broadband grants, defining “state” to mean “any State of the United States, the District of Columbia, Puerto Rico, American Samoa, Guam, the United States Virgin Islands, [and] the Northern Mariana islands[.]”); 47 CFR § 54.1801(b) (stating that certain broadband providers must seek approval from WCB to participate in the ACP and as part of the application must contain information on the *states or territories* in which an applicant plans to participate) (emphasis added).

⁴⁰ *See* 47 CFR § 54.1813(c); *Initial Notice of ACP TDC Deadline*, *supra* note 10; *ACP TDC 2023 Deadline Extension*, *supra* note 5.

⁴¹ 47 CFR § 54.1813(f); *see also ACP Fourth Report and Order*, *supra* note 1, at 13817, para. 97. By using a provider’s monthly claim amount, the Commission tied the base forfeiture to the number of a provider’s ACP subscribers to account for a provider’s size. *ACP Fourth Report and Order*, *supra* note 1, at 13817, para. 97.

⁴² 47 CFR § 54.1801(e); *see also ACP Fourth Report and Order*, *supra* note 1, at 13818, para. 100.

⁴³ 47 CFR § 54.1813(c), (d); *ACP Fourth Report and Order*, *supra* note 1; *ACP TDC 2023 Deadline Extension*, *supra* note 5.

amounts will serve as a deterrent to other providers participating in the ACP, and any successor programs, that might similarly ignore their reporting obligations under the TDC rules.⁴⁴

IV. CONCLUSION

17. We have determined that the four participating providers identified in Appendix A apparently willfully violated section 54.1813(c) and (d) of the Commission's rules and orders. Accordingly, we propose a cumulative forfeiture of \$470,605.62, apportioned among these four participating providers as described in Appendix A.

V. ORDERING CLAUSES

18. Accordingly, **IT IS ORDERED**, pursuant to section 503(b) of the Act, 47 U.S.C. § 503(b), and section 1.80 of the Commission's rules, 47 CFR § 1.80, that all entities identified in Appendix A are hereby **NOTIFIED** of this **APPARENT LIABILITY FOR FORFEITURE** in the amounts specified in Appendix A, respectively, for each of the entities' willful violations of section 54.1813(c) and (d) of the Commission's rules and orders.

19. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules, 47 CFR § 1.80, within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, each recipient of this Notice of Apparent Liability **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 22 below.

20. In order for each entity to pay the proposed forfeiture, each entity shall notify Patrick M. McGrath at Patrick.McGrath@fcc.gov, Kalun Lee at Kalun.Lee@fcc.gov, Georgina Feigen at Georgina.Feigen@fcc.gov, and Tram Pham at Tram.Pham@fcc.gov, of its intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Upon payment, each entity shall send electronic notification of payment to Patrick M. McGrath at Patrick.McGrath@fcc.gov, Kalun Lee at Kalun.Lee@fcc.gov, Georgina Feigen at Georgina.Feigen@fcc.gov, and Tram Pham at Tram.Pham@fcc.gov, on the date said payment is made. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:⁴⁵

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned

⁴⁴ Our dissenting colleague states that, after the Supreme Court's decision in *Jarkesy v. SEC*, which invalidated the SEC's imposition of a civil monetary penalty on Seventh Amendment grounds, the FCC's ability to impose monetary forfeitures is "unclear". But the statutory structure governing the FCC's forfeiture power is quite different from that of the SEC. For one thing, as we have explained, after the Commission issues a forfeiture order under section 503(b)(4) of the Communications Act following a Notice of Apparent Liability, the party on whom the forfeiture is imposed is entitled to a trial de novo in federal district court before it can be required to pay. *See* 47 U.S.C. § 504(a); *AT&T, Inc.*, Forfeiture Order, FCC 24-40, para. 69 (Apr. 29, 2024). For another, the FCC largely enforces "public rights" the adjudication of which may constitutionally be vested in an administrative agency, and which have no common law analogue. *See id.* at para. 77. The statutory right to a trial de novo provided by law before a forfeiture under section 503(b)(4) can be enforced, along with the nature of the violations the Commission typically addresses, disposes of the claim that the imposition of a monetary forfeiture by the FCC violates the Seventh Amendment.

⁴⁵ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

above and the letters “FORF”. In addition, a completed Form 159⁴⁶ or printed CORES form⁴⁷ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).⁴⁸ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.

- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

21. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554.⁴⁹ 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.

22. 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(g)(3) of the Commission’s rules.⁵⁰ The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554, ATTN: Enforcement Bureau, Investigations and Hearings Division, Patrick M. McGrath, Chief, 45 L Street, NE, Washington, DC 20554, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to Patrick M. McGrath at Patrick.McGrath@fcc.gov, Kalun

⁴⁶ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁴⁷ Information completed using the Commission’s Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

⁴⁸ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

⁴⁹ See 47 CFR § 1.1914.

⁵⁰ *Id.* §§ 1.16, 1.80(g)(3).

Lee at Kalun.Lee@fcc.gov, Georgina Feigen at Georgina.Feigen@fcc.gov, and Tram Pham at Tram.Pham@fcc.gov.

23. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status.⁵¹ Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E) support that result.⁵²

24. **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 each entity and legal counsel, if known, at the address(es) and e-mail(s) listed in Appendix C below.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

⁵¹ See 47 U.S.C. § 503(b)(2)(E).

⁵² See, e.g., *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18-21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860-62, paras. 21-25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-04, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).

APPENDIX A

As described below, each participating provider listed below apparently failed to submit and certify complete information about their broadband internet access service by the deadline of November 30, 2023, as established under the Affordable Connectivity Program (ACP) Transparency Data Collection (TDC) rules and therefore, is in apparent violation of section 54.1813(c) and (d) of the Commission's rules and associated orders.¹

1. **SprintFone Inc. (SprintFone); FRN: 0032347759; File No.: EB-IHD-24-00036894; NAL/Acct No.: 202432080022.** SprintFone d/b/a TalkDaily Inc. is a local reseller of telecommunications services and a provider of wireless data.² SprintFone applied to be an ACP provider on May 26, 2022, July 25, 2022, August 12, 2022, and March 22, 2023 and was approved by the Wireline Competition Bureau (WCB) on May 26, 2022, July 27, 2022, August 12, 2022, and March 22, 2023, respectively.³ Through the ACP, SprintFone provided services to enrolled ACP households in the following states but apparently failed to provide complete and timely ACP TDC information for these states: Alabama, Colorado, District of Columbia, Florida, Georgia, Illinois, Kentucky, Louisiana, Massachusetts, Maryland, North Carolina, New York, Pennsylvania, Puerto Rico, Utah, Virginia, Washington, and West Virginia.⁴ As of March 25, 2024, SprintFone did not submit and certify complete information for these states pursuant to the ACP TDC rules.⁵ It submitted and certified plan information as required under section 54.1813(b)(1)(i), but apparently failed to submit and certify any other fields of required information for these states pursuant to section 54.1813(b)(1)(ii)-(viii) of the ACP TDC rules.⁶

2. SprintFone apparently did not submit complete information under the ACP TDC rules by the established deadline of November 30, 2023. The Commission finds that SprintFone apparently committed 18 violations by failing to submit the requisite data for each state in which it had ACP-enrolled subscribers. The base forfeiture for its apparent violations of section 54.1813(c) and (d) for each state for which it failed to submit and certify complete data by the established deadline amounts to \$136,588.22.⁷ In light of the circumstances, we propose a forfeiture of \$136,588.22.

3. **IJ Wireless, Inc. (IJ Wireless); FRN: 0032944597; File No.: EB-IHD-24-00036896; NAL/Acct No.: 202432080023.** IJ Wireless is a local reseller of telecommunications services and a provider of wireless data.⁸ IJ Wireless applied to be an ACP provider on October 14, 2022, November 8, 2022, January 6, 2023, February 15, 2023, April 6, 2023, May 8, 2023, and January 31, 2024, and was approved by WCB on October 14, 2022, November 14, 2022, January 6, 2023, February 15, 2023, April

¹ 47 CFR § 54.1813(c)-(d); *Affordable Connectivity Program*, Fourth Report and Order and Further Notice of Proposed Rulemaking, 37 FCC Rcd 13773 (2022); *Affordable Connectivity Program Transparency Data Collection Deadline Extended to Nov. 30, 2023*, Public Notice, 2023 WL 8602194 (WCB 2023).

² See 2022 FCC Form 499-A Telecommunications Reporting Worksheet, SprintFone Inc., Line 105; Federal Comm'n Comm'n, Registration System, SprintFone, <https://apps.fcc.gov/cores/searchDetail.do?frn=0032347759&csfrToken=> (last visited May 20, 2024).

³ See SprintFone Application (filed May 26, 2022); SprintFone Application (filed July 25, 2022); SprintFone Application (filed Aug. 12, 2022); SprintFone Application (filed Mar. 22, 2023).

⁴ Information on file in Investigation Number EB-IHD-24-00036894.

⁵ *Id.*

⁶ *Id.*; see also 47 CFR § 54.1813(b)(1).

⁷ 47 CFR § 54.1813(f). A more detailed description of the proposed forfeiture calculation is in Appendix B.

⁸ See 2023 FCC Form 499-A Telecommunications Reporting Worksheet, IJ Wireless, Inc., Line 105.

6, 2023, August 30, 2023, and February 7, 2024, respectively.⁹ Through the ACP, IJ Wireless provided services to enrolled ACP households in the following states but failed to provide complete and timely ACP TDC information for these states: Alaska, Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Iowa, Illinois, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Montana, North Carolina, North Dakota, New Mexico, Ohio, Oklahoma, Oregon, South Carolina, Tennessee, and Texas.¹⁰ As of March 25, 2024, IJ Wireless did not submit and certify complete information for these states pursuant to the ACP TDC rules.¹¹ It submitted and certified plan information as required under section 54.1813(b)(1)(i), but apparently failed to submit and certify any other required fields of information for these states pursuant to section 54.1813(b)(1)(ii)-(viii) of the ACP TDC rules.¹²

4. IJ Wireless apparently did not submit complete information under the ACP TDC rules by the established deadline of November 30, 2023. The Commission finds that IJ Wireless apparently committed 28 violations by failing to submit the requisite data for each state in which it had ACP-enrolled subscribers. The base forfeiture for its apparent violations of section 54.1813(c) and (d) for each state for which it failed to submit and certify complete data by the established deadline amounts to \$109,747.40.¹³ In light of the circumstances, we propose a forfeiture of \$109,747.40.

5. **Culture Wireless LLC (Culture); FRN: 0031329923; File No.: EB-IHD-24-00036898; NAL/Acct No.: 202432080024.** Culture is a Competitive Access Provider/Competitive Local Exchange Carrier and provider of wireless and cellular data.¹⁴ Culture applied to be an ACP provider on February 6, 2022, June 14, 2023, and September 7, 2023 and was approved by WCB on February 7, 2022, September 5, 2023, and December 11, 2023, respectively.¹⁵ Through the ACP, Culture provided services to enrolled households in the following states but failed to provide complete and timely ACP TDC information for these states: Alaska, Alabama, Arkansas, Arizona, California, Colorado, Connecticut, District of Columbia, Delaware, Florida, Georgia, Hawaii, Iowa, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, North Dakota, Nebraska, New Hampshire, New Jersey, New Mexico, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin, and West Virginia.¹⁶ As of March 25, 2024, Culture Wireless did not submit and certify complete information for these states pursuant to the ACP TDC rules.¹⁷ It submitted and certified plan information as required under section 54.1813(b)(1)(i), but apparently failed to submit and certify any other required fields of information for these states pursuant to section 54.1813(b)(1)(ii)-(viii) of the ACP TDC rules.¹⁸

6. Culture apparently did not submit complete information under the ACP TDC rules by the established deadline of November 30, 2023. The Commission finds that Culture apparently committed 48

⁹ See IJ Wireless Application (filed Oct. 14, 2022); IJ Wireless Application (filed Nov. 8, 2022); IJ Wireless Application (filed Jan. 6, 2023); IJ Wireless Application (filed Feb. 15, 2023); IJ Wireless Application (filed Apr. 6, 2023); IJ Wireless Application (filed May 8, 2023); IJ Wireless Application (filed Jan. 31, 2024).

¹⁰ Information on file in Investigation Number EB-IHD-24-00036896.

¹¹ *Id.*

¹² *Id.*; see also 47 CFR § 54.1813(b)(a).

¹³ 47 CFR § 54.1813(f). A more detailed description of the proposed forfeiture calculation is in Appendix B.

¹⁴ See 2023 FCC Form 499-A Telecommunications Reporting Worksheet, Culture Wireless, Line 105.

¹⁵ See Culture Wireless Application (filed Feb. 6, 2022); Culture Wireless Application (filed June 14, 2023); Culture Wireless Application (filed Sept. 7, 2023).

¹⁶ Information on file in Investigation Number EB-IHD-24-00036898.

¹⁷ *Id.*

¹⁸ *Id.*; see also 47 CFR § 54.1813(b)(1).

violations by failing to submit the requisite data for each state in which it had ACP-enrolled subscribers. The base forfeiture for its apparent violations of section 54.1813(c) and (d) for each state for which it failed to submit and certify complete data by the established deadline amounts to \$150,710.¹⁹ In light of the circumstances, we propose a forfeiture of \$150,710.

7. **Catnect Communications, Inc. (Catnect); FRN: 0030065312; File No.: EB-IHD-24-00036900; NAL/Acct No.: 202432080025.** Catnect was incorporated on June 27, 2019 in Texas.²⁰ Catnect provides phone and Internet services²¹ and is listed as a Competitive Access Provider/Competitive Local Exchange Carrier (CAP/CLEC) with USAC.²² Catnect applied to be an EBB Program provider on May 21, 2021 and was approved by WCB on May 21, 2021, and Catnect also applied to be an ACP provider on January 13, 2023, January 19, 2023, January 19, 2023, January 19, 2023, November 6, 2023, November 6, 2023, November 28, 2023, January 2, 2024, and January 9, 2024 and was approved by WCB on January 13, 2023, January 20, 2023, January 20, 2023, January 20, 2023, November 6, 2023, November 6, 2023, November 30, 2023, January 4, 2024, and January 9, 2024, respectively.²³ Through the ACP, Catnect provided services to enrolled households in the following states but failed to provide complete and timely ACP TDC information for these states: Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Mississippi, North Carolina, Nevada, Ohio, South Carolina, Tennessee, Texas, and Wisconsin.²⁴ As of March 25, 2024, Catnect apparently did not submit and certify any of the requisite information for these locations pursuant to the ACP TDC rules.²⁵

8. Catnect apparently did not submit complete information under the ACP TDC rules by the established deadline of November 30, 2023. The Commission finds that Catnect apparently committed 20 violations by failing to submit the requisite data for each state in which it had ACP-enrolled subscribers. The base forfeiture for its apparent violations of section 54.1813(c) and (d) for each state for which it failed to submit and certify complete data by the established deadline amounts to \$73,560.²⁶ In light of the circumstances, we propose a forfeiture of \$73,560.

¹⁹ 47 CFR § 54.1813(f). A more detailed description of the proposed forfeiture calculation is in Appendix B.

²⁰ *City Commc'ns, Inc.*, Notice of Apparent Liability for Forfeiture, FCC 24-13, 2024 WL 688538, at *10-11, para. 29 (2024).

²¹ See Catnect Communications Inc., <https://catnect.com/wireless-phone-internet/> (last visited May 20, 2024).

²² See 2023 FCC Form 499-A Telecommunications Reporting Worksheet, Catnect Communications Inc., Line 105.

²³ See Catnect Communications Application (filed May 21, 2021); Catnect Communications Application (filed Jan. 13, 2023); Catnect Communications Application (filed Jan. 19, 2023, Catnect Communications Application (filed Jan. 19, 2023); Catnect Communications Application (filed Jan. 19, 2023); Catnect Communications Application (filed Nov. 6, 2023); Catnect Communications Application (filed Nov. 6, 2023); Catnect Communications Application (filed Nov. 28, 2023); Catnect Communications Application (filed Jan. 2, 2024); Catnect Communications Application (filed Jan. 9, 2024).

²⁴ Information on file in Investigation Number EB-IHD-24-00036900.

²⁵ *Id.*; see also 47 CFR § 54.1813(b).

²⁶ 47 CFR § 54.1813(f). A more detailed description of the proposed forfeiture calculation is in Appendix B.

APPENDIX B

The following provides a detailed calculation of the proposed forfeiture for each of the four non-compliant participating providers pursuant to section 54.1813(f).¹

SprintFone, Inc.

State	Total Reimbursement Claim by State (July 2023)	Proposed Forfeiture by State (lesser of \$22,000 or the July 2023 monthly claim)
AL	{[]}	{[]}
CO	{[]}	{[]}
DC	{[]}	{[]}
FL	{[]}	{[]}
GA	{[]}	{[]}
IL	{[]}	{[]}
KY	{[]}	{[]}
LA	{[]}	{[]}
MA	{[]}	{[]}
MD	{[]}	{[]}
NC	{[]}	{[]}
NY	{[]}	{[]}
PA	{[]}	{[]}
PR	{[]}	{[]}
UT	{[]}	{[]}
VA	{[]}	{[]}
WA	{[]}	{[]}
WV	{[]}	{[]}
Total	\$137,004.26	\$136,588.22

¹ 47 CFR § 54.1813(f). Material set off by braces and brackets {[]} is confidential business information and is redacted from the public version of this document.

IJ Wireless, Inc.

State	Total Reimbursement Claim by State (July 2023)	Proposed Forfeiture by State (lesser of \$22,000 or the July 2023 monthly claim)
AK	{ }	{ }
AL	{ }	{ }
AR	{ }	{ }
AZ	{ }	{ }
CA	{ }	{ }
CO	{ }	{ }
CT	{ }	{ }
DE	{ }	{ }
FL	{ }	{ }
HI	{ }	{ }
IA	{ }	{ }
IL	{ }	{ }
KY	{ }	{ }
LA	{ }	{ }
MD	{ }	{ }
MI	{ }	{ }
MN	{ }	{ }
MS	{ }	{ }
MT	{ }	{ }
NC	{ }	{ }
ND	{ }	{ }
NM	{ }	{ }
OH	{ }	{ }
OK	{ }	{ }
OR	{ }	{ }
SC	{ }	{ }
TN	{ }	{ }
TX	{ }	{ }
Total	\$109,747.40	\$109,747.40

Culture Wireless LLC

State	Total Reimbursement Claim by State (July 2023)	Proposed Forfeiture by State (lesser of \$22,000 or the July 2023 monthly claim)
AK	{ }	{ }
AL	{ }	{ }
AR	{ }	{ }
AZ	{ }	{ }
CA	{ }	{ }
CO	{ }	{ }
CT	{ }	{ }
DC	{ }	{ }
DE	{ }	{ }
FL	{ }	{ }
GA	{ }	{ }
HI	{ }	{ }
IA	{ }	{ }
ID	{ }	{ }
IL	{ }	{ }
IN	{ }	{ }
KS	{ }	{ }
KY	{ }	{ }
LA	{ }	{ }
MA	{ }	{ }
MD	{ }	{ }
MI	{ }	{ }
MN	{ }	{ }
MO	{ }	{ }
MS	{ }	{ }
MT	{ }	{ }
NC	{ }	{ }
ND	{ }	{ }
NE	{ }	{ }
NH	{ }	{ }
NJ	{ }	{ }
NM	{ }	{ }
NV	{ }	{ }
NY	{ }	{ }
OH	{ }	{ }
OK	{ }	{ }
OR	{ }	{ }
PA	{ }	{ }
RI	{ }	{ }
SC	{ }	{ }
SD	{ }	{ }

TN	{	}	{	}
TX	{	}	{	}
UT	{	}	{	}
VA	{	}	{	}
WA	{	}	{	}
WI	{	}	{	}
WV	{	}	{	}
Total	\$171,040.00		\$150,710.00	

Catnect Communications, Inc.

State	Total Reimbursement Claim by State (July 2023)	Proposed Forfeiture by State (lesser of \$22,000 or the July 2023 monthly claim)
AL	{ }	{ }
AR	{ }	{ }
CA	{ }	{ }
FL	{ }	{ }
GA	{ }	{ }
IL	{ }	{ }
IN	{ }	{ }
KS	{ }	{ }
KY	{ }	{ }
LA	{ }	{ }
MI	{ }	{ }
MO	{ }	{ }
MS	{ }	{ }
NC	{ }	{ }
NV	{ }	{ }
OH	{ }	{ }
SC	{ }	{ }
TN	{ }	{ }
TX	{ }	{ }
WI	{ }	{ \$ }
Total	\$73,560.00	\$73,560.00

APPENDIX C

Entity	Address(es)	E-mail(s)
SprintFone Inc.	Itra Junaid, CEO, SprintFone, Inc. (TalkDaily, Inc.), 1225 Franklin Ave, Ste. 325, Garden City, NY 11530; 99 Washington Ave, Ste. 805-A, Albany, NY 12210; and c/o Incorp Services, Inc., 1100 H Street NW, Ste. 840, Washington, DC 20005.	itra@sprintfone.com ; it@talkdailyinc.com ; itrasheikh@hotmail.com ; itra.junaid@sprintfone.com ; and process@incorp.com .
IJ Wireless, Inc.	Elizabeth Murray, Manager, IJ Wireless, Inc., 17W775 Butterfield Rd, Ste. 123, Oakbrook Terrace, IL 60181; 24506 Champion Drive, Plainfield, IL 60585; and c/o Incorp Services, Inc. at 1100 H Street NW, Ste. 840, Washington, DC 20005.	elizabeth@ijwireless.us
Culture Wireless LLC	Vernell Woods; Louis A. White III, Director, Culture Wireless LLC, 2212 Eagles Nest Cir., Decatur, GA 30035; 2302 Parklake Drive NE, Atlanta, GA 30345; and c/o Incorp at 1100 H Street NW, Ste. 840, Washington, DC 20005.	louis@usconnect.llc ; admin@culturewireless.com ; vernell@moolahwireless.com ; vernell@culturewireless.com ; and service@incorp.com .
Cathect Communications, Inc.	Ishrat Jahan, CEO, and Suzane Anderson, Consultant, Cathect Communications, Inc., 2160 Lexington Lane, Cummings, GA 30040; PO Box 848, Smyrna, GA 30081; and c/o Incorp Services Inc. at 1100 H Street NW, Ste. 840, Washington, DC 20005.	sabaz@cathectc.com ; suzane@cathectc.com ; ishrat@cathectc.com ; info@cathectc.com ; and info@incorp.com .

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *Four Non-Compliant Participating Providers in the Affordable Connectivity Program*, FRN: 0032347759; File No.: EB-IHD-24-00036894; NAL/Acct No.: 202432080022; FRN: 0032944597; File No.: EB-IHD-24-00036896; NAL/Acct No.: 202432080023; FRN: 0031329923; File No.: EB-IHD-24-00036898; NAL/Acct No.: 202432080024; FRN: 0030065312; File No.: EB-IHD-24-00036900; NAL/Acct No.: 202432080025

The Bipartisan Infrastructure Law requires every provider to annually submit data regarding “the price and subscription rates of each internet service offering” made available under the Affordable Connectivity Program. There are no exceptions. Failure to follow the law must have consequences and that is why we take this action today.

**STATEMENT OF
COMMISSIONER NATHAN SIMINGTON, DISSENTING**

Re: *Four Non-Compliant Participating Providers in the Affordable Connectivity Program*, FRN: 0032347759; File No.: EB-IHD-24-00036894; NAL/Acct No.: 202432080022; FRN: 0032944597; File No.: EB-IHD-24-00036896; NAL/Acct No.: 202432080023; FRN: 0031329923; File No.: EB-IHD-24-00036898; NAL/Acct No.: 202432080024; FRN: 0030065312; File No.: EB-IHD-24-00036900; NAL/Acct No.: 202432080025.

Under new and controlling Supreme Court precedent, the Commission's authority to assess monetary forfeitures as it traditionally has done is unclear. Until the Commission formally determines the bounds of its enforcement authority under this new precedent, I am obligated to dissent from any decision purporting to impose a monetary forfeiture. I call on the Commission to open a Notice of Inquiry to determine the new constitutional contours of Commission enforcement authority.