

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

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In the Matter of)	
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CDS NETWORKS, INC.)	File No. EB-01-IH-0017c
OCN# 4282)	NAL/Acct. No. 200132080038
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MEMORANDUM OPINION AND ORDER

Adopted: June 7, 2002

Released: June 11, 2002

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Order, we cancel a proposed forfeiture in the amount of \$6,000 against CDS Networks, Inc., (“CDS”) for apparent violation of 47 C.F.R. § 52.15(f), requiring reports of number utilization and forecast data.

II. BACKGROUND

2. On April 24, 2001, the Chief, Enforcement Bureau, acting pursuant to delegated authority, issued a *Notice of Apparent Liability for Forfeiture* (“NAL”) to CDS, proposing a \$6,000 forfeiture.¹ We issued the NAL because it appeared that CDS had failed to report on its actual and forecast number usage by filing FCC Form 502, the North American Numbering Plan Numbering Resource Utilization/Forecast (“NRUF”) Report that was due on September 15, 2000.² Carriers are required to report for each separate legal entity represented by an Operating Company Number (“OCN”).³ It appeared that CDS failed to file an NRUF report for one OCN, which was referenced in our NAL. We therefore determined that CDS had apparently violated section 52.15(f) of the Commission’s rules, which requires U.S. carriers receiving numbering resources from the North American Numbering Plan Administrator (“NANPA”), a Pooling Administrator, or another telecommunications carrier, to report

¹ See *CDS Networks, Inc.*, 16 FCC Rcd 8595 (EB 2001).

² The NRUF reports are due on or before February 1 and on or before August 1 of each year. See 47 C.F.R. § 52.15(f)(6). However, we note that the deadline for filing reports due August 1, 2000 was extended to September 15, 2000. *Numbering Resource Optimization*, CC Docket No. 99-200, 15 FCC Rcd 17005 (2000).

³ See 47 C.F.R. § 52.15(f)(3)(ii).

semiannually on their actual and forecast number usage.⁴

3. CDS responded to the *NAL*, and requested cancellation of the proposed forfeiture. CDS states that it ceased operating as a competitive local exchange carrier in July 2000 when its telecommunication assets, including its numbering resources, were transferred to another carrier. CDS thus contends that it was not responsible for filing the September 2000 NRUF report.

4. We have considered CDS's response in light of applicable statutory provisions, the Commission's rules and the Commission's *Forfeiture Guidelines*.⁵ Because CDS ceased operating as a competitive local exchange carrier, we conclude that CDS was not subject to the reporting requirements of section 52.15(f) in September 2000 and that cancellation of the proposed forfeiture is appropriate.⁶

IV. ORDERING CLAUSES

5. Accordingly, IT IS ORDERED, pursuant to 47 U.S.C. § 504(b), and 47 C.F.R. § 1.80(f)(4), the monetary forfeiture issued against CDS Networks, Inc. IS HEREBY CANCELLED.

6. IT IS FURTHER ORDERED that a copy of this Forfeiture Order shall be sent by Certified Mail/Return Receipt Requested, to John C. Tooker, President, CDS Networks, Inc., P.O. Box 1165, Medford, Oregon 97501.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau

⁴ *Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking in CC Docket No. 99-200, 15 FCC Rcd 7574 (2000) (“*NRO Order*”); *recon. and clarification in part*, Second Report and Order, Order on Reconsideration in CC Docket 96-98 and CC Docket 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket 99-200, 16 FCC Rcd 306 (2000) (“*NRO Recon. Order*”).

⁵ 47 U.S.C. § 503(b); 47 C.F.R. § 1.80; *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, 12 FCC Rcd 17,087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999) (“*Forfeiture Guidelines*”) (codified at 47 C.F.R. § 1.80(b)(4) Note).

⁶ 47 C.F.R. § 52.15(f)(2).