

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of
)
)
OPTEL TEXAS TELECOM, INC. ) File No. EB-01-IH-0017o
) Acct. No. 200132080046
) FRN 0004-3413-27
)

MEMORANDUM OPINION AND ORDER

Adopted: January 22, 2002

Released: January 23, 2002

By the Chief, Enforcement Bureau:

1. By this Memorandum Opinion and Order we adopt the attached Consent Decree entered into between the Enforcement Bureau, and OpTel, Inc. and its wholly-owned subsidiary, OpTel (Texas) Telecom, Inc. We find that the Consent Decree provides for an appropriate resolution of the Bureau's investigation into OpTel's compliance with section 52.15(f) of the Commission's rules, which requires semi-annual reporting of number utilization and forecast data.

2. OpTel (Texas) Telecom, Inc. is no longer a regulated provider of local and long-distance telephone services, because it discontinued such services during August of 2001. The Consent Decree provides, however, among other things, that if in the future OpTel provides local or long-distance telephone service or is otherwise required by the Commission's rules to report on its actual or forecast number usage, it will implement a program to ensure its future compliance with the Act and the Commission's rules and policies. In addition, the Consent Decree provides that OpTel will make a voluntary contribution to the United States Treasury in the amount of \$7,200.

3. We have reviewed the Consent Decree and evaluated the circumstances underlying the investigation. We believe that the public interest would be served by adopting the Consent Decree and terminating the investigatory proceeding.

4. ACCORDINGLY, IT IS ORDERED that, pursuant to Sections 4(i), 4(j), and 503(b) of the Communications Act of 1934, as amended, and Sections 0.111 and 0.311 of the Commission's rules, the Consent Decree attached hereto IS ADOPTED.

1 47 C.F.R. § 52.15(f).

2 Payment may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment must include the FCC Registration Number (FRN) and the Acct. No. referenced above.

3 47 U.S.C. §§ 4(i), 4(j), 503(b).

4 47 C.F.R. §§ 0.111, 0.311

5. IT IS FURTHER ORDERED, That the *Notice of Apparent Liability for Forfeiture, OpTel Texas Telecom, Inc.*, 16 FCC Rcd 8655 (EB 2001) IS HEREBY CANCELLED and the above-captioned investigatory proceeding IS TERMINATED.

6. IT IS FURTHER ORDERED, That a copy of this *Memorandum Opinion and Order* and Consent Decree shall be sent by certified mail, return receipt requested to David Curtin, Vice President, OpTel, 1111 W. Mockingbird Lane, Suite 1000, Dallas, Texas 75247 and Joseph A. Godles, Esq., Goldberg, Godles, Weiner & Wright, 1229 Nineteenth Street, N.W., Washington, DC 20036.

**FEDERAL COMMUNICATIONS COMMISSION**

David H. Solomon  
Chief, Enforcement Bureau