

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

In the Matter of
World Communications
Satellite Systems, Inc.
File No. EB-03-TC-177
NAL/Acct. No. 200332170009
FRN: 0009553652

FORFEITURE ORDER

Adopted: April 14, 2004

Released: April 16, 2004

By the Commission:

1. In this Forfeiture Order ("Order"), we issue a monetary forfeiture in the amount of \$560,000 against World Communications Satellite Systems, Inc. ("WCSS") for violating section 258 of the Communications Act of 1934, as amended (the "Act"), as well as Commission rules and orders, by submitting changes of the preferred carriers of 10 consumers on 13 occasions without their authorization and verification, a practice commonly known as "slamming."

2. The facts and circumstances surrounding this case are set forth in the Notice of Apparent Liability previously issued and need not be reiterated at length. After receiving a large number of consumer complaints against WCSS, the Enforcement Bureau, along with the Public Utility Commission of Texas, launched an investigation into the consumers' allegations of slamming. As a result of this investigation, the Commission issued a Notice of Apparent Liability on January 15, 2004, finding WCSS apparently liable for 13 slamming violations.

3. Pursuant to section 1.80(f)(3) of the Commission's rules, the Commission ordered WCSS to pay the full amount of the proposed forfeiture or file a response showing why the proposed forfeiture should not be imposed or should be reduced within 30 days of the NAL's release, i.e., on February 17, 2004. WCSS did not file a response to the NAL nor did it pay the forfeiture amount. We

1 47 U.S.C. § 258.

2 "Slamming" is the submission or execution of an unauthorized change in a subscriber's selection of a provider of telecommunications service. See generally 47 C.F.R. §§ 64.1100-64.1195.

3 World Communications Satellite Systems, Inc., Notice of Apparent Liability for Forfeiture, FCC 04-9, 2004 WL 63450 (rel. Jan. 15, 2004) ("NAL").

4 47 C.F.R. § 1.80(f)(3).

5 NAL at ¶ 17.

6 NAL at ¶ 17. We note that the 30 day deadline fell on February 14, 2004, a Saturday. Therefore, pursuant to 1.4(j) of the Commission's rules, the deadline was extended to the next business day, February 17, 2004. 47 C.F.R. § 1.4(j).

7 On February 12, 2004, the Commission received a letter from The Helein Law Group, counsel for WCSS, stating that WCSS is out of business and would not respond to the NAL. Letter from Charles H. Helein, counsel for WCSS, (continued...)

therefore affirm the tentative findings of the NAL and conclude that, pursuant to section 1.80(f)(4) of the rules, WCSS is liable for a monetary forfeiture in the amount of \$560,000.⁸

ORDERING CLAUSES

4. ACCORDINGLY, IT IS ORDERED THAT, pursuant to section 503(b) of the Act, 47 U.S.C. § 503(b), and section 1.80(f)(4) of the Commission's rules, 47 C.F.R. § 1.80(f)(4), World Communications Satellite Systems, Inc. SHALL FORFEIT to the United States Government the sum of \$560,000 for willful or repeated violations of section 258 of the Act, 47 U.S.C. § 258, and the Commission's rules governing preferred carrier changes.⁹

5. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission's rules within 30 days of the release of this Order.¹⁰ 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.¹¹ 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 NAL/Acct. No. 200332170009. Requests for full payment under the installment plan should be sent to: Chief, Revenue and Receivables Group, 445 12th Street, S.W., Washington, D.C. 20554.¹²

6. IT IS FURTHER ORDERED that a copy of this Order of Forfeiture SHALL BE SENT by Certified Mail, Return Receipt Requested to: Caterina Bergeron, President, World Communications Satellite Systems, 4301 Brittany Trail Dr., Champaign, IL 61822; Caterina Bergeron, President, World Communications Satellite Systems, 3730 Kirby Rd., Suite 1200, Houston, TX 77098; and Caterina Bergeron, President, World Communications Satellite Systems, 251 East Ohio St., Suite 500, Indianapolis, IN 46204.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

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to Marlene H. Dortch, FCC (February 12, 2004). The letter did not provide any evidence that WCSS has sought bankruptcy protection or has discontinued service pursuant to section 214 of the Act and the Commission's discontinuance rules. 47 U.S.C. § 214(a); and 47 C.F.R. § 63.71.

⁸ 47 C.F.R. § 1.80(f)(4).

⁹ See 47 C.F.R. §§ 64.1120; see also *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, Second Report and Order, 14 FCC Rcd 1508 (1998) stayed in part, *MCI Company v. FCC*, No. 99-1125 (D.C.Cir. May 18, 1999); First Order on Reconsideration, 15 FCC Rcd 8158 (2000); stay lifted, *MCI Company v. FCC*, No. 99-1125 (D.C. Cir. June 27, 2000); *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers*, Further Notice of Proposed Rulemaking and Memorandum Opinion and Order on Reconsideration, 12 FCC Rcd 10,674 (1997).

¹⁰ 47 C.F.R. § 1.80.

¹¹ 47 U.S.C. § 504(a).

¹² See 47 C.F.R. § 1.1914.