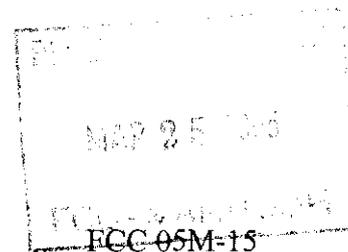


Before the  
Federal Communications Commission  
Washington, D.C. 20554



In the Matter of )  
)  
Tung Shih Technology Co., Ltd. ) EB Docket No. 05-30 04208  
) EB-02-TS-606  
Grantee of Equipment Authorizations for )  
Learned Mode Remote Control Transmitter )  
Devices, FCC ID Nos. MMORC0196M and )  
MMORMC575 )

MEMORANDUM OPINION AND ORDER

Issued: March 21, 2005 ; Released: March 23, 2005

By *Order to Show Cause*, DA 05-191, released January 31, 2005 (“*OSC*”), the Chief, Enforcement Bureau, pursuant to delegated authority, designated this proceeding for hearing. The issues seek to determine whether the LRT-1 learned mode transmitter manufactured by Tung Shih Technology Co., Ltd. (“Tung Shih”), under FCC ID No. MMORC0196M, and/or the RMC-535 learned mode transmitter manufactured by Tung Shih under FCC ID No. MMORMC575, conform to the technical requirements specified in the Commission’s rules and/or the technical requirements specified by Tung Shih’s equipment authorizations and, ultimately, whether equipment authorizations FCC ID Nos. MMORC0196M and/or MMORMC575 should be revoked. *OSC*, at para. 9. In order to avail itself of the opportunity to be heard and the right to present evidence at the hearing, the *OSC* provided, *inter alia*, that Tung Shih shall file a written appearance stating that it will appear at the hearing and present evidence on the specified issues. *Id.* at para. 10. Such notice of appearance was required to be filed within 30 days of the release of the *OSC*. *Id.* As noted above, the *OSC* was released on January 31, 2005. Consequently, the notice of appearance was due to be filed no later than March 2, 2005.

The Commission sent the *OSC* to Tung Shih by International Registered Mail, Return Receipt Requested, and by Federal Express. (*OSC*, at para. 13; EB Ex. 1, pp. 3-7.) The Enforcement Bureau also faxed the *OSC* to Tung Shih. (EB Ex. 1, pp. 1-2.) In addition, the Office of Administrative Law Judges mailed the *OSC* to Tung Shih by International Registered Mail, Return Receipt Requested. Included in that mailing was a copy of an *Order*, FCC 05M-05, released February 3, 2005, scheduling a prehearing conference in this proceeding for March 17, 2005. The Commission’s records establish that Tung Shih received copies of the *OSC* and the February 3, 2005, *Order*. (EB Ex. 1; Judge’s Ex. 1.)

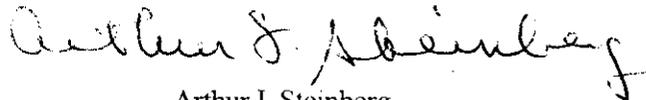
The Commission’s records reflect that, to date, no written (or other) notice of appearance has been filed by, or on behalf of, Tung Shih. Moreover, a prehearing conference was held on March 17, 2005, and no one attended or entered an appearance on behalf of Tung Shih. Under all of these circumstances, and pursuant to Section 1.92(a)(1) of the Commission’s Rules and paragraph 10 of the *OSC*, this constitutes a waiver of the hearing.

Accordingly, pursuant to Section 1.92(c) of the Commission’s Rules and paragraph 10 of the *OSC*, IT IS ORDERED that the hearing proceeding in the above-captioned matter IS TERMINATED, and that this proceeding IS CERTIFIED to the Commission.

IT IS FURTHER ORDERED that a copy of this *Memorandum Opinion and Order* SHALL BE MAILED by International Registered Mail, Return Receipt Requested, and by Federal Express, to:

Tung Shih Technology Co., Ltd.  
7F-10, No. 130  
Ssu Wei Road  
Hsin Chu City, 300  
Taiwan

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in cursive script, appearing to read "Arthur I. Steinberg".

Arthur I. Steinberg  
Administrative Law Judge