

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

FCC 07M-12
06252

In the Matter of)
)
COMMERCIAL RADIO SERVICE, INC.) **EB DOCKET NO. 06-168**
)
Licensee of Private Land Mobile Stations) File No. EB-06-IH-1362
WNDS861, Reelsville, Indiana; WNIL729, Paxton,) NAL Acct. No. 200632080166
Indiana; WPCJ772, West Terre Haute, Indiana; and)
WPNU312 Greencastle, Indiana/West Terre Haute,)
Indiana)
)
Licensee of Commercial Land Mobile Station)
WNGE348, West Terre Haute, Indiana)
)
TIMOTHY M. DOTY)
)
Licensee of General Radiotelephone Operator)
License PG1814366; and Amateur Radio Operator)
and Licensee of Amateur Radio Station WB9MDC,)
West Terre Haute, Indiana)

APR 25 2007

MEMORANDUM OPINION AND ORDER

Issued: April 24,2007

Released: April 26,2007

1. Under consideration are a Joint Request for Approval of Settlement Agreement, filed on April 17, 2007, by the Enforcement Bureau, Commercial Radio Service, Inc. ("CRS"), and Timothy M. Doty (collectively "the Parties"); and a Joint Motion to Accept Settlement Agreement Under Seal, filed on April 17,2007, by the Parties.'

2. The Parties seek the approval of a Settlement Agreement which they have entered into. Pursuant to the Agreement, CRS,² among other things: (a) agrees to file a request with the Commission for an STA to continue operating the CRS Licenses for a period not to exceed 90 days, during which time it shall use all reasonable means to assist its customers in transitioning, relocating, and otherwise moving to other communications service providers without interruption or disruption of or to their service; (b) acknowledges that no extensions of the STA shall be granted and no requests for such extension shall be entertained; and (c) agrees that upon grant of such STA, the CRS Licenses shall be deemed to have been surrendered by CRS to the Commission for unconditional and immediate cancellation, and that the CRS Licenses at such time shall be deemed to be cancelled. Settlement Agreement at 6.

¹ Good cause having been shown, the Parties' request that the Settlement Agreement be kept under seal pending approval will be granted.

² CRS is engaged in the sales and service of two-way radio communications equipment in the Terre Haute, Indiana, area. CRS is the licensee of Private Land Mobile Stations WNDS861, Reelsville, Indiana, WNIL729, Paxton, Indiana, WPCJ772, West Terre Haute, Indiana, and WPNU312 Greencastle, Indiana/West Terre Haute, Indiana ("the CRS Licenses"). Settlement Agreement at 2, 3.

3. In addition, pursuant to the Agreement, Timothy M. Doty,³ among other things: (a) agrees that the Timothy M. Doty Licenses shall be deemed to have been surrendered for unconditional and immediate cancellation, and that the Timothy M. Doty Licenses at such time shall be deemed to have been cancelled (b) agrees that, for a period of five years, he shall refrain from (i) applying to the Commission in his individual capacity for any FCC license or instrument of authorization, (ii) serving as an attributable principal in any entity that applies for any FCC license or instrument of authorization, and (iii) serving as an attributable principal in any entity that holds an FCC license or instrument of authorization; and (c) agrees that, after the five-year period, he may apply to the Commission in his individual capacity only for an FCC license or instrument of authorization in the Amateur Radio Service. Settlement Agreement at 6.

4. Further, pursuant to the Agreement, Gary C. Doty,⁴ among other things, agrees that, for a period of five years, he shall refrain from (i) applying to the Commission in his individual capacity for any FCC license or instrument of authorization, (ii) serving as an attributable principal in any entity that applies for any FCC license or instrument of authorization, and (iii) serving as an attributable principal in any entity that holds an FCC license or instrument of authorization. Settlement Agreement at 6.

5. Finally, pursuant to the Agreement, CRS, Timothy M. Doty, and Gary C. Doty, among other things, individually and collectively, agree to make a voluntary contribution to the United States Treasury in the total amount of \$10,000. Settlement Agreement at 7.

6. The Joint Request for Approval of Settlement Agreement will be granted, and the Settlement Agreement will be approved. Suffice it to say, approval of the Agreement will obviate the need for a protracted hearing, thereby conserving the resources of the Commission and the private parties. In addition, approval of the Agreement will provide for a fair and equitable resolution of this proceeding. Specifically, CRS will have effectively surrendered for cancellation its Private and Commercial Land Mobile licenses; Timothy M. Doty will have effectively surrendered for cancellation his General Radiotelephone and Amateur Radio Operator licenses and his Amateur Radio Station license; the Dotys will not apply for or hold any attributable interest in any Commission license or authorization for a five-year period; and CRS and the Dotys will pay a total of \$10,000 to the United States Treasury. It appears, therefore, that the concerns raised by the Commission in its order designating this case for hearing⁵ will have been resolved. For all of the foregoing reasons, it is concluded that approval of the Settlement Agreement will serve the public interest, convenience, and necessity.

Accordingly, IT IS ORDERED that the Joint Motion to Accept Settlement Agreement Under Seal, filed by the Parties on April 17, 2007, IS GRANTED, and that the Settlement Agreement SHALL REMAIN UNDER SEAL pending the release of this *Memorandum Opinion and Order*.

³ Timothy M. Doty was a Director and 50 percent voting shareholder of CRS since at least January 1, 1990. He was also the President of CRS from January 1, 1990, through May 9, 2006. In his individual capacity, he is the licensee of General Radiotelephone Operator License PG1814366, and Amateur Radio Operator and licensee of Amateur Radio Station WB9MDC, West Terre Haute, Indiana ("the Timothy M. Doty Licenses"). Settlement Agreement at 3.

⁴ Gary C. Doty was Secretary and Treasurer, a Director, and 50 percent voting shareholder of CRS since at least January 1, 1990. Effective May 9, 2006, he became President of CRS. Gary C. Doty holds no FCC licenses in his individual capacity, and the CRS Licenses constitute all the licenses and instruments of authorization in which he has an interest of any kind. Settlement Agreement at 3, 6.

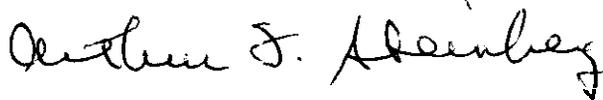
⁵ *Order to Show Cause*, FCC 06-128, released August 30, 2006.

IT IS FURTHER ORDERED that the Joint Request for Approval of Settlement Agreement, filed by the Parties on April 17, 2007, IS GRANTED, and that the Settlement Agreement IS APPROVED.

IT IS FURTHER ORDERED that the Parties SHALL FILE an unsealed copy of the Settlement Agreement with the Office of the Secretary within five (5) days of the release of this Order.

IT IS FURTHER ORDERED that, when the filing of the unsealed copy of the Settlement Agreement has been effectuated, this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



Arthur I. Steinberg
Administrative Law Judge