

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

In the Matter of)
)
Notice of Apparent Liability for Forfeiture of)
)
U S WEST COMMUNICATIONS, INC.)
)
Licensee of Certain Authorizations in the)
Personal Communications Service)

ORDER

Adopted: May 4, 1999

Released: May 7, 1999

By the Commission:

1. The Commission has before it for consideration: (a) a Notice of Apparent Liability for Forfeiture, 13 FCC Rcd 8286 (1998) ("NAL"), against U S WEST Communications, Inc. ("U S WEST"); and (b) a proposed Consent Decree between the Commission and U S WEST.

2. The NAL found U S WEST, a participant in the Commission's Broadband Personal Communications Services D, E, and F block auction, apparently liable for a forfeiture in the total amount of \$1,200,000. Specifically, the NAL concluded that U S WEST apparently violated Sections 1.2105(c) and 1.65 of the Commission's Rules as a consequence of telephone communications during the auction between a U S WEST official and an official of another auction participant, Western PCS BTA I, Corporation.

3. The Commission and U S WEST have negotiated the terms of a proposed Consent Decree that would resolve this enforcement proceeding. A copy of the proposed Consent Decree is attached hereto.

4. We have reviewed the Consent Decree and evaluated the circumstances of this enforcement proceeding. On balance, we believe that the public interest would be served by

approving the attached Consent Decree and terminating this proceeding. In this regard, we have taken into consideration a number of factors, including, but not limited to, U S WEST's adoption of a comprehensive compliance program designed to ensure that U S WEST does not henceforth engage in any auctions-related misconduct. We also note that under the terms of the Consent Decree, U S WEST will make a significant voluntary contribution to the United States Treasury in the amount of \$800,000.

5. ACCORDINGLY, IT IS ORDERED, pursuant to Sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and (j), that the Consent Decree, incorporated by reference herein and attached to this Order, IS HEREBY ADOPTED.

6. IT IS FURTHER ORDERED that the Secretary SHALL SIGN the Consent Decree on behalf of the Commission.

7. IT IS FURTHER ORDERED that this Order is effective upon execution of the Consent Decree by all parties to the Agreement.

8. IT IS FURTHER ORDERED that the above-captioned enforcement proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary