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

In the Matter of)
)
Notice of Apparent Liability for Forfeiture of)
) File No. 99-2273
INTERNATIONAL BUSINESS MACHINES) NAL/Acct No.
920EF0047)
)
Licensee of Point-to-Point Microwave Stations)
WNTT360 (Huntington Beach, CA); WHJ651 (Huntington)
Beach, CA); WNEZ481 (Monrovia, CA); WNEZ480)
(La Habra, CA); WHJ653 (Cypress, CA); WHJ649)
(Hazelwood, CA); WHJ650 (Torrance, CA); WHJ816)
(Saint Charles, MO); WNER966 (Dominguez Hills, CA);)
WNET350 (Gardena, CA); WNEU335 (Gray Butte, CA);)
WNEU679 (Long Beach, CA); WNEW515 (Long Beach,)
CA); WNEY550 (Long Beach, CA); WNEZ482 (Compton,)
CA); WNTB361 (Long Beach, CA); WNTH667 (Edwards)
AFB, CA); WNTL350 (Anaheim, CA); WNTT359 (Long)
Beach, CA); WNTX919 (Wrightwood, CA); WNTX920)
(Long Beach, CA); and WPJF891 (Long Beach, CA))

ORDER

Adopted: May 18, 2000 Released: May 19,
2000

By the Chief, Enforcement Bureau:

1. In this Order, we adopt a Consent Decree in which
International Business Machines ('`IBM''), former licensee of the
22 above-captioned point-to-point microwave stations, agrees to
modify its corporate practices in order to ensure compliance with
Section 310(d) of the Communications Act of 1934, as amended

(``Act''), 47 U.S.C. § 310(d). IBM also agrees to make a voluntary contribution to the U.S. Treasury of \$70,000.

2. As a result of IBM's disclosures, on July 20, 1999, the former Enforcement Division of the Wireless Telecommunications Bureau issued a Notice of Apparent Liability for Forfeiture against IBM for apparent unauthorized pro forma transfer of control of the stations listed above, in apparent violation of Section 310(d) of the Act and former Section 101.53 of the Commission's rules, 47 C.F.R. § 101.53. International Business Machines, 14 FCC Rcd 11667 (WTB 1999) (``NAL''). On August 19, 1999, IBM filed a response to the NAL in which it contested the proposed forfeiture. Subsequently, IBM provided the Commission with additional information concerning transfers of the above-captioned licenses, as well as other licenses formerly held by IBM. On September 28, 1999, IBM withdrew its response to the NAL.

3. The Enforcement Bureau staff and IBM have negotiated a Consent Decree that would terminate the forfeiture proceeding and the staff's investigation into the unauthorized transfers of the above-captioned licenses, as well as the other transfers disclosed by IBM. A copy of the Consent Decree is attached hereto and is incorporated by reference.

4. We have reviewed the terms of the Consent Decree and evaluated the facts before us. In light of IBM's commitment to establish a comprehensive compliance program to prevent future violations of Section 310(d) of the Act, we believe that the public interest would be served by approving the Consent Decree, canceling the NAL, and terminating the investigation into IBM's conduct.

5. Based on the record before us, and in the absence of material new evidence relating to this matter, we conclude that there are no substantial and material questions of fact as to whether IBM possesses the basic qualifications, including its character qualifications, to hold or obtain any FCC licenses or authorizations.

6. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 4(j) of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), and the authority delegated in Sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the attached Consent Decree is hereby ADOPTED.

7. IBM may make its voluntary contribution to the United States Treasury by credit card through the Commission's Credit and Debt Management Center at (202) 418-1995 or 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 should note the NAL/Acct. No. referenced above.

8. IT IS FURTHER ORDERED that the NAL IS CANCELLED, and the investigation into the matters described in the Consent Decree IS TERMINATED.

9. IT IS FURTHER ORDERED that a copy of this Order shall be sent by Certified Mail, Return Receipt Requested to James C. Rendeiro, III, Vice President, Assistant General Counsel, IBM Global Services, P.O. Box 100, Somers, New York 10589, and to

IBM's counsel, Josh L. Roland, Esq., Wilmer, Cutler & Pickering,
2445 M Street, N.W., Washington, DC 20037-1420.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon
Chief, Enforcement Bureau