

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

In the Matter of)
)
BENT COUNTY) Facility ID Nos. 4783, 4784, 4785, 4786
) NAL/Acct. No. 202241420005
Licensee of Stations K29JL-D, Las Animas,) FRN: 001620426
Colorado; K25LE-D, Las Animas, Colorado;) LMS File No. 0000179464
K23KN-D, Las Animas, Colorado; K27KX-D,)
Las Animas, Colorado)

FORFEITURE ORDER

Adopted: August 30, 2023

Released: August 30, 2023

By the Chief, Video Division, Media Bureau:

I. INTRODUCTION

1. In this Forfeiture Order, we issue a monetary forfeiture in the amount of six thousand dollars (\$6,000) to Bent County (Licensee), licensee of K29JL-D, Las Animas, Colorado; K25LE-D, Las Animas, Colorado; K23KN-D, Las Animas, Colorado; K27KX-D, Las Animas Colorado (Stations). We find that the Licensee willfully violated section 73.3539(a) of the Commission’s rules (Rules) by failing to timely file a license renewal application for the Stations (Application).¹

II. BACKGROUND

2. Section 73.3539(a) of the Rules requires that applications for renewal of license for broadcast stations must be filed “not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed.”² An application for renewal of the Stations licenses should have been filed by December 1, 2021, the first day of the fourth full calendar month prior to the Stations’ licenses expiration date of April 1, 2022.³ The Application was not filed until January 10, 2022. The Licensee provided no explanation for its untimely filing of the application.

3. On May 20, 2022, we issued a Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture (NAL) proposing a forfeiture in the amount of six thousand dollars (\$6,000) to Licensee for its apparent violation of section 73.3539(a) of the Rules.⁴ The NAL gave the Licensee thirty days to pay the full amount of the proposed forfeiture, or file a written statement seeking reduction or

¹ See 47 CFR § 73.3539; Application of Bent County for Renewal of License, LMS File No. 0000179464 (filed Jan. 10, 2022). K29JL-D, K25LE-D, K23KN-D, K27KX-D are each television translators. In this case, as is permitted, the Licensee filed for renewal of the licenses of the Stations in a single renewal application.

² 47 CFR § 73.3539(a).

³ Id. §§ 73.1020, 73.3539(a).

⁴Bent County, Notice of Apparent Liability for Forfeiture, DA 22-561 (Vid. Div. May. 20, 2022) (NAL).

cancellation of the proposed forfeiture.⁵ To date, the Licensee has neither paid the proposed forfeiture nor filed a written statement in response to the *NAL*.⁶

III. DISCUSSION

4. The forfeiture amount proposed in this case was assessed in accordance with section 503(b) of the Communications Act of 1934, as amended (the Act),⁷ section 1.80 of the Rules,⁸ and the Commission's Forfeiture Policy Statement.⁹ In assessing forfeitures, section 503(b)(2)(E) of the Act requires that we "take into account the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."¹⁰

5. The Application was due on December 1, 2021, but was not filed until January 10, 2022 – over one month late. The Licensee was afforded an opportunity to either pay or respond to the *NAL* pursuant to section 1.80 of the Rules¹¹, but has failed to either pay the proposed forfeiture or seek reduction or cancellation of it within the time period set forth in the *NAL*. Accordingly, we conclude that the Licensee willfully violated section 73.3539 of the Rules and we issue a forfeiture in the amount of \$6,000 as proposed in the *NAL*.¹² This amounts to \$1,500 per station.¹³

IV. ORDERING CLAUSES

6. **IT IS ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b), and sections 0.283 and 1.80 of the Commission's rules, 47 CFR §§ 0.283 and 1.80, that Bent County, **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of six thousand dollars (\$6,000) for its apparent willful violation of section 73.3539(a) of the Commission's rules, 47 CFR § 73.3539(a).

7. Payment of the forfeiture must be made by credit card, ACH (Automated Clearing House) debit from a bank account using the Commission's CORES (the Commission's online payment system),¹⁴ or by wire transfer. The Commission no longer accepts forfeiture payments by check or money order. Upon payment, it is requested that Licensee send notice that payment has been made to VideoRenewals@fcc.gov. Below are instructions that payors should follow based on the form of

⁵ *Id.* at para. 9.

⁶ The *NAL* was by certified mail, return receipt requested. According to the certified mail receipt the *NAL* was delivered and retrieved from the post office on May 24, 2022. A copy of the receipt is available for viewing under LMS File No. 0000179464.

⁷ 47 U.S.C. § 503(b).

⁸ 47 CFR § 1.80.

⁹ *Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999).

¹⁰ 47 U.S.C. § 503(b)(2)(E).

¹¹ 47 CFR § 1.80(g)(3).

¹² We reaffirm our prior statements in the *NAL* relating to the Station's Application, *NAL* at para. 8, and will proceed with grant by separate action upon the conclusion of this forfeiture proceeding if there are no issues other than those set forth in this *Forfeiture Order* that would preclude grant of the Application.

¹³ *See e.g., Tutt Media Group, Inc.*, Notice of Apparent Liability for Forfeiture, DA 21-617 (Vid Div. May 27, 2021) (Assessing a forfeiture of \$4,500 for a late filed renewal application that covered three stations, paid Jun. 4, 2021) *Full Gospel Outreach, Inc.*, Notice of Apparent Liability for Forfeiture, DA 22-559 (Vid. Div. May 20, 2022) (Assessing a forfeiture of \$6,000 for a late filed renewal application that covered four stations, paid Jun. 10, 2022).

¹⁴ Payments made using the Commission's CORES system do not require the submission of an FCC Form 159.

payment selected:¹⁵

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).¹⁶ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/cores/paymentFrnLogin.do>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL/Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

8. Requests for full payment of the forfeiture proposed in this *Order* under an installment plan should be sent to: Associate Managing Director-Financial Operations, 45 L Street, NE, Washington, DC 20554.¹⁷ Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

9. **IT IS FURTHER ORDERED** that a copy of this *Forfeiture Order* shall be sent by First Class and Certified Mail, Return Receipt Requested, to Bent County, County Courthouse 725 Bent

¹⁵ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

¹⁶ Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

¹⁷ See 47 CFR § 1.1914.

Avenue, P.O. Box 350, Las Animas, CO 81054. A copy shall also be sent to its contact representative, Susan Hansen by electronic mail to stcl@comcast.net.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau