

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

In the Matter of)	
)	
KASA Radio Hogar, Inc.)	File No. EB-00-SD-295
)	
Licensee of Station KDAP(AM))	NAL/Acct. No. 200132940002
)	
Phoenix, Arizona)	

FORFEITURE ORDER

Adopted: June 5, 2001

Released: June 7, 2001

By the Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Forfeiture Order ("Order"), we issue a monetary forfeiture in the amount of fifteen thousand dollars (\$15,000) against KASA Radio Hogar, Inc. ("KASA Radio"), licensee of radio station KDAP(AM), for willful violation of the following sections of the Commission's Rules ("Rules"): 73.54(d) (failure to provide a copy of the station's antenna resistance and reactance measurements during an inspection); 73.1350(c)(1) (failure to have the proper monitoring equipment installed at the duty operator position); 73.1590(a)(6) (failure to conduct annual equipment performance measurements); and 73.3526(a)(2) (failure to maintain a public inspection file)¹.

II. BACKGROUND

2. On November 17, 2000, the FCC's San Diego Field Office ("San Diego Office") conducted an inspection of radio station KDAP(AM) in Douglas, Arizona, after it received information from the Enforcement Bureau's High Frequency Direction Finding Center that KDAP(AM)'s carrier frequency measurement exceeded the frequency tolerance in violation of Section 73.44(b) of the Rules. The inspection revealed 10 different rule violations, including the violation of Section 73.44(b). On December 19, 2000, the District Director of the San Diego Office issued a Notice of Violation ("NOV") for the violations. The District Director of the San Diego Office issued a Notice of Apparent Liability ("NAL") to KASA Radio on February 15, 2001.

3. After being granted an extension of time to respond to the NAL, KASA Radio submitted its response to the Commission on April 19, 2001. In its response, KASA Radio does not dispute the violations, rather, it seeks rescission or reduction of the forfeiture amount because of KDAP(AM)'s financial condition.

¹ 47 C.F.R. §§ 73.54(d), 73.1350(c)(1), 73.1590(a)(6), 73.3526(a)(2).

III. DISCUSSION

4. As the NAL stated, the Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits documentation that accurately reflects the petitioner's current financial status. KASA Radio has submitted financial information reflective only of the current financial condition of station KDAP(AM). KASA Radio is the licensee of radio station KDAP(AM) and the recipient of the NAL. The Commission will look to the current financial condition of KASA Radio, the licensee, not an individual station, to determine its ability to pay a forfeiture. KASA Radio has not submitted sufficient documentation to enable us to evaluate the licensee's current financial condition, therefore, we cannot assess its ability to pay the forfeiture amount. Consequently, we must deny its request for rescission or reduction of the forfeiture based on its purported inability to pay.

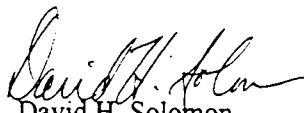
IV. ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED THAT**, pursuant to Section 503(b) of the Act and Sections 0.111, 0.311 and 1.80(f)(4) of the Rules,² KASA Radio of Hogar, Inc. IS LIABLE FOR A MONETARY FORFEITURE in the amount of fifteen thousand dollars (\$15,000) for violating Sections 73.54(d), 73.1350(c)(1), 73.1590(a)(6), and 73.3526(a)(2) of the Commission's Rules.

6. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules,³ within 30 days of the release of this Order. If the forfeiture is not paid within the period specified, the case may be referred to the Department of Justice for collection pursuant to Section 504(a) of the Act.⁴ Payment may be made by mailing a check or similar instrument, payable to the order of the "Federal Communications Commission," to the Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note NAL/Acct. No. 200132940002. Requests for full payment under an installment plan should be sent to: Chief, Revenue and Receivables Group, 445 12th Street, S.W., Washington, D.C. 20554.⁵

7. **IT IS FURTHER ORDERED** that, a copy of this Forfeiture Order shall be sent by Certified Mail Return Receipt Requested to counsel for KASA Radio of Hogar, Inc., Wood, Maines & Brown, Attention: Paul Brown, 1827 Jefferson Place, NW, Washington, DC 20036.

FEDERAL COMMUNICATIONS COMMISSION



David H. Solomon
Chief, Enforcement Bureau

² 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.111, 0.311, 1.80(f)(4).

³ 47 C.F.R. § 1.80.

⁴ 47 U.S.C. § 504(a).

⁵ See 47 C.F.R. § 1.1914.