

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

In the Matter of)	
)	
Pentecostal Temple Development Corporation)	File No. EB-FIELDNER-15-00020416
)	File No. EB-FIELDNER-15-00020418
)	NAL/Acct. No. 201732400001
)	FRN: 0008656506
)	

FORFEITURE ORDER

Adopted: July 23, 2019

Released: July 23, 2019

By the Regional Director, Region One, Enforcement Bureau:

1. When not properly maintained, antenna structures—particularly tall towers used by radio and television broadcast stations—present a significant public safety risk, especially to passing aircraft. In this case, we impose a penalty of \$25,000 against Pentecostal Temple Development Corporation (Pentecostal Temple)¹ for failing to properly light two antenna structures, for failing to notify the FAA of lighting extinguishments, and for failing to clean or repaint the antenna structures as often as necessary to maintain good visibility.² Pentecostal Temple is the licensee of AM Station WGBN and owns antenna structures registered under Antenna Structure Registrations 1026648 and 1026650 (the “Antenna Structures”) in Lincoln Borough, Pennsylvania.

2. On December 30, 2016, the Enforcement Bureau (Bureau) issued a Notice of Apparent Liability for Forfeiture (Notice) proposing a \$25,000 forfeiture against Pentecostal Temple for willful and repeated violation of section 303(q) of the Communications Act of 1934, as amended (Act) and sections 17.23, 17.48(a), and 17.50 of the Commission’s rules.³ Pentecostal Temple failed to file any proper response to the Notice. Accordingly, we affirm it in full.

3. Rather than properly filing a response to the Notice, Pentecostal Temple engaged in procedurally deficient shenanigans. On January 30, 2017, Pentecostal Temple submitted to the Office of Managing Director a Petition for Reconsideration of the Notice,⁴ and on February 21, 2017, it submitted

¹ Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

² 47 U.S.C. § 303(q); 47 CFR §§ 17.23, 17.48(a), 17.50.

³ The Notice includes a more complete discussion of the facts and history of this case and is incorporated herein by reference. *Pentecostal Temple Development Corporation*, Notice of Apparent Liability for Forfeiture, 31 FCC Rcd 13523 (EB 2016); 47 U.S.C. § 303(q); 47 CFR §§ 17.23, 17.48, 17.50. As detailed in the Notice, in February 2016 the Bureau issued a Notice of Violation to Pentecostal Temple for these violations, Pentecostal Temple properly submitted a response to the Bureau pledging to cure the violations by May 2016 but failed to do so. Notice, 31 FCC Rcd at 13523-25, paras. 2-5.

⁴ Petition for Reconsideration, File Nos. EB-FIELDNER-15-00020416, EB-FIELDNER-15-00020418 (filed Jan. 30, 2017) (Petition for Reconsideration).

to the Office of Managing Director a Response to the Notice.⁵ In both instances, Pentecostal Temple failed to send copies of either document to the Bureau, as instructed in paragraph 19 of the *Notice*. On March 16, 2017, the Office of Managing Director returned both the Petition for Reconsideration and the Notice Response to Pentecostal Temple without processing, because Pentecostal Temple failed to comply with the written directions contained in the Notice.⁶

4. Pentecostal Temple's procedural mishaps did not end with the letter from the Office of Managing Director. On April 20, 2017, Pentecostal Temple's counsel submitted a letter to the Bureau seeking to arrange for Pentecostal Temple to pay the forfeiture in installments. Yet, as stated in paragraph 18 of the Notice, requests for installment plans must be directed to the Commission's Chief Financial Officer.⁷ On May 4, 2017, the Bureau informed Pentecostal Temple's counsel that his April 20 had been misdirected and that the Bureau had forwarded the request to appropriate Commission personnel.⁸ An installment plan was never executed.

5. Despite its numerous filings with the Commission, Pentecostal Temple failed to submit any response to the Notice to the Bureau.⁹ Moreover, even if it had correctly addressed the Notice Response to the Bureau instead of the Office of Managing Director, that response would still be defective, as it was submitted after the 30-day period established in paragraph 16 of the Notice had lapsed.¹⁰ Accordingly, based on the information before the Bureau, we affirm the forfeiture proposed in the Notice.

6. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Act¹¹ and sections 1.80, 0.111, 0.204, and 0.311 of the Commission's rules,¹² Pentecostal Temple Development Corporation **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of Twenty-Five Thousand Dollars (\$25,000) for willfully and repeatedly violating section 303(q) of the Act and sections 17.23, 17.48(a), and 17.50 of the Commission's rules.¹³

7. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 of the Rules within thirty (30) calendar days after the release date of this Forfeiture Order.¹⁴ If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Act.¹⁵

8. Payment of the forfeiture must be made by credit card, ACH (Automated Clearing House) debit from a bank account using the Commission's Fee Filer (the Commission's online payment

⁵ Response to Notice of Apparent Liability, File Nos. EB-FIELDNER-15-00020416, EB-FIELDNER-15-00020418 (filed Feb. 21, 2017) (Notice Response).

⁶ Letter from Kathleen Heuer, Chief Financial Officer, Office of Managing Director, to Dan J. Alpert, Esq. at 3 (March 16, 2017) (on file in EB-FIELDNER-15-00020416).

⁷ Notice, 31 FCC Rcd at 13529, para. 18.

⁸ E-mail from Janet Moran, Field Counsel, Office of the Field Director, Enforcement Bureau, to Dan J. Alpert, Esq., et al. (May 4, 2017, 15:31 EDT) (on file in EB-FIELDNER-15-00020416).

⁹ The failure to properly file a response to the Notice contrasts with Pentecostal Temple's filing of its responses to the Notice of Violation with the Bureau's field office. See note 3, *supra*.

¹⁰ Notice, 31 FCC Rcd at 13528, para. 16.

¹¹ 47 U.S.C. § 503(b).

¹² 47 CFR § 1.80.

¹³ 47 U.S.C. § 303(q); 47 CFR §§ 17.23, 17.48(a), 17.50.

¹⁴ 47 CFR § 1.80.

¹⁵ 47 U.S.C. § 504(a).

system),¹⁶ or by wire transfer. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:¹⁷

- 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).¹⁸ 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 Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. To pay by credit card, log-in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Pay bills” on the Fee Filer Menu, and select the bill number associated with the NAL Account—the bill number is the NAL Account number with the first two digits excluded—and then choose the “Pay by Credit Card” option. Please note that there is a dollar limitation on credit card transactions, which cannot exceed \$24,999.99.
- Payment by ACH must be made by using the Commission’s Fee Filer website at <https://apps.fcc.gov/FeeFiler/login.cfm>. 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 “Pay bills” on the Fee Filer Menu and then select the bill number associated to the NAL Account—the bill number is the NAL Account number with the first two digits excluded—and 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.

9. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, SW, Room 1-A625, Washington, DC 20554.¹⁹ Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

¹⁶ Payments made using the Commission’s Fee Filer system do not require the submission of an FCC Form 159.

¹⁷ 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.

¹⁸ Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

¹⁹ See 47 CFR § 1.1914.

10. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to Loran Mann, President, Pentecostal Temple Development Corporation, 6300 East Liberty Boulevard, Pittsburgh, Pennsylvania 15206, and to Dan J. Alpert, Esq., The Law Office of Dan J. Alpert, 2120 North 21st Road, Arlington, Virginia 22201.

FEDERAL COMMUNICATIONS COMMISSION

David Dombrowski
Regional Director, Region One
Enforcement Bureau