

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

In re Application of)	
)	
South Caldwell High School)	Facility ID No. 134206
)	NAL/Acct. No. MB-201941410011
For Renewal of License for)	FRN: 0029004629
Station WSEQ-LP)	File No. 0000091713
Hudson, North Carolina)	
)	

ORDER

Adopted: October 15, 2020

Released: October 15, 2020

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. The Media Bureau (Bureau) has before it a request to cancel a Notice of Apparent Liability (NAL)¹ issued to South Caldwell High School (Licensee), licensee of Station WSEQ-LP, Hudson, North Carolina (Station), for apparently willfully violating section 73.3539 of the Commission's rules (Rules) by failing to timely file a license renewal application for the Station. As discussed below, we cancel the forfeiture and instead admonish Licensee for the violation.

II. BACKGROUND

2. The Commission's base forfeiture amount for the failure to file a required form is \$3,000.² In the NAL, the Bureau proposed a reduced forfeiture amount of \$1,500 based upon the specific circumstances of this case. Licensee was instructed to provide a response within thirty days of receipt of the NAL. The Bureau received Licensee's response on January 21, 2020.³ Licensee requests cancellation of the NAL due to inability to pay.

III. DISCUSSION

3. As noted in the NAL, the Commission will not consider reducing or canceling a forfeiture in response to claimed inability to pay unless the respondent submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the respondent's current financial status.⁴ We accept Licensee's showing that payment of the proposed forfeiture would create a financial hardship. Licensee indicates that it is an educational agency and therefore is exempt

¹ *South Caldwell High School*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 34 FCC Rcd 12292 (MB 2019) (NAL).

² See *Forfeiture Policy Statement and Amendment of Section 1.80(b) of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17113-15 (1997) (*Forfeiture Policy Statement*), recon. denied, 15 FCC Rcd 303 (1999); 47 CFR § 1.80(b)(4), note to paragraph (b)(4), section I.

³ Letter from Andrew Cook, South Caldwell High School, to Albert Shuldiner, Chief, Audio Division, Media Bureau (rec'd Jan. 21, 2020).

⁴ See NAL, 34 FCC Rcd 12299, para. 14; *Discussion Radio, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 7433, 7441, para. 28 (2004), *forfeiture reduced on recon.*, 24 FCC Rcd 2206 (MB 2009) (*Discussion Radio*).

from filing taxes. Licensee also explains that the Station does not generate any funds or maintain a bank account. Licensee states that any funds needed for station equipment and operation are obtained through fundraising and contributions and all work is done on a volunteer basis by the school's students and faculty, and that faculty turnover contributed to the failure to meet the filing deadline. Accordingly, we will cancel the proposed forfeiture. However, we admonish Licensee for its willful violation of section 73.3539 of the Rules.

IV. ORDERING CLAUSES

4. Accordingly, **IT IS ORDERED** that, pursuant to section 504(b) of the Communications Act of 1934, as amended,⁵ and sections 0.61, 0.283, and 1.80(f)(4) of the Commission's rules,⁶ the Notice of Apparent Liability for a Forfeiture (NAL/Acct. No. MB-201941410011) issued to South Caldwell High School **IS CANCELLED** and that South Caldwell High School is instead **HEREBY ADMONISHED** for its violation of section 73.3539 of the Commission's rules.

5. **IT IS FURTHER ORDERED** that copies of this Order shall be sent by First Class and Certified Mail, Return Receipt Requested, to South Caldwell High School, c/o Andrew Cook, 7035 Spartan Drive, Hudson, NC 28638.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁵ 47 U.S.C. § 504(b).

⁶ 47 CFR §§ 0.61, 0.283, 1.80(f)(4).