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

In re Application of	)	
	)	
New Life Ministries, Inc.	)	Facility ID No. 63977
	)	NAL/Acct. No. MB-202141410013
For Renewal of License for	)	FRN: 0011499134
Station WXVI(AM)	)	File No. 0000096908
Montgomery, Alabama	)	

ORDER

Adopted: May 6, 2021 **Released: May 6, 2021**

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 New Life Ministries, Inc. (Licensee), licensee of Station WXVI(AM), Montgomery, Alabama (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. 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 Station's license should have been filed by December 2, 2019, the first business day of the fourth full calendar month prior to the Station's April 1, 2020 license expiration date.[3] The Application was not filed until January 13, 2020. The Licensee provided no explanation for its untimely filing of the application.

3. Accordingly, on February 24, 2021, we released the *NAL*, which proposed a forfeiture of three thousand dollars ($3,000). The *NAL* gave the Licensee thirty days to pay the full amount of the proposed forfeiture or file a written statement seeking reduction or cancellation of the proposed forfeiture.[4]

4. On April 16, 2021, the Licensee submitted a written response in which it did not dispute that it had violated section 73.3539 of the Rules but requested that we cancel the proposed forfeiture based on the Licensee's inability to pay it.[5] The Response included a financial statement reflecting

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[1] *New Life Ministries, Inc.,* Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 21-208 (MB Feb. 24, 2021).

[2] 47 CFR § 73.3539(a).

[3] *See* 47 CFR §§ 73.1020, 73.3539(a). Because December 1, 2019, was a Sunday—a holiday as defined by the Rules—the filing deadline was December 2, 2019, the first business day after December 1, 2019. *See* 47 CFR §§ 1.4(e), (j).

[4] *NAL* at 3, para. 10.

[5] Response to Notice of Apparent Liability for Forfeiture of New Life Ministries, Inc. (dated Apr. 16, 2021) (Response). Licensee informed the staff that its accountant required additional time in which to prepare a financial

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Licensee's income for the years 2018, 2019, and 2010, prepared by a certified public accountant, who attested that it was prepared according to generally acceptable accounting principles.

III. DISCUSSION

5. 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.[6] We accept Licensee's showing—based on its financial statements—that payment of the proposed forfeiture would create a financial hardship. 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

6. Accordingly, **IT IS ORDERED** that, pursuant to section 504(b) of the Communications Act of 1934, as amended,[7] and sections 0.61, 0.283, and 1.80(f)(4) of the Commission's rules,[8] the Notice of Apparent Liability for a Forfeiture (NAL/Acct. No. MB-202141410013) issued to New Life Ministries, Inc., **IS CANCELLED** and that New Life Ministries, Inc., is instead **HEREBY ADMONISHED** for its violation of section 73.3539 of the Commission's rules.

7. **IT IS FURTHER ORDERED** that the application for renewal of license filed by New Life Ministries, Inc. for Station WXVI(AM), Montgomery, Alabama (File No. 0000096908) **IS GRANTED**.

8. **IT IS FURTHER ORDERED** that a copy of this *Order* shall be sent by First Class and Certified Mail, Return Receipt Requested, to Terry Ellison, New Life Ministries, Inc., 5600 Carriage Hills Dr., Montgomery, AL 36116.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division
Media Bureau

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statement, and the staff granted Licensee additional time in which to file the Response. Email from Alexander T. Sanjenis, Assistant Chief, Audio Division, FCC Media Bureau, to Reedie Russell, New Life Ministries, Inc. (Mar. 24, 2021, 7:40 AM EDT).

[6] *See NAL* at 4, para. 13.

[7] 47 U.S.C. § 504(b).

[8] 47 CFR §§ 0.61, 0.283, 1.80(f)(4).