

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

In the Matter of	)	
	)	
<b>Provision Ministry</b>	)	
	)	Facility ID No. 134788
For Renewal of License for	)	NAL/Acct. No. MB-202141410012
Station WPMR-LP	)	FRN: 0029197241
Russellville, Alabama	)	File No. 0000106887

**FORFEITURE ORDER**

**Adopted: June 29, 2021**

**Released: June 29, 2021**

By the Chief, Audio Division, Media Bureau:

**I. INTRODUCTION**

1. In this *Forfeiture Order*, we issue a monetary forfeiture in the amount of one thousand, one hundred and twenty-five dollars (\$1,125) to Provision Ministry (Licensee), licensee of low power FM (LPFM) Station WPMR-LP, Russellville, Alabama (Station), for willfully violating section 73.3539 of the Commission's rules (Rules) by failing to timely file a license renewal application for the Station.<sup>1</sup>

**II. BACKGROUND**

1. 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."<sup>2</sup> 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.<sup>3</sup> The Application was not filed until March 2, 2020.<sup>4</sup> The Licensee provided no explanation for its untimely filing of the Application.

2. Accordingly, on February 23, 2021, we released the *NAL*, which proposed a forfeiture of one thousand five hundred dollars (\$1,500).<sup>5</sup> 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.<sup>6</sup>

3. On March 5, 2021, the Licensee amended its Application to include a written statement in which it does not dispute that it violated section 73.3539 of the Rules but explains that it lost track of the

<sup>1</sup> See 47 CFR § 73.3539.

<sup>2</sup> *Id.* § 73.3539(a).

<sup>3</sup> 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).

<sup>4</sup> Application File No. 0000106887 (filed Mar. 2, 2020).

<sup>5</sup> *Provision Ministry*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 21-201, 2021 WL 712334 (MB Feb. 23, 2021) (*NAL*).

<sup>6</sup> *Id.* at 3, para. 10.

station's license status and renewal date.<sup>7</sup> The Licensee indicates that its filing of the Application was further delayed because it lost its FCC Registration Number (FRN) and password, its representative initiated a search for the required information on December 13, 2019, but had difficulties obtaining the FRN and password from a former employee, who was not located until early January 2020, and its representative subsequently had difficulties resetting the FRN and password.<sup>8</sup> Accordingly, Licensee requests that the "fine be waived."<sup>9</sup>

### III. DISCUSSION

4. The proposed forfeiture amount in this case was assessed in accordance with section 503(b) of the Communications Act of 1934, as amended (Act),<sup>10</sup> section 1.80 of the Rules,<sup>11</sup> and the Forfeiture Policy Statement.<sup>12</sup> Section 503(b)(2)(E) of the Act requires that the Commission 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 other such matters as justice may require.<sup>13</sup>

5. We have considered the Licensee's response in light of these statutory factors. We affirm our finding that Licensee willfully violated section 73.3539 of the Rules. We reject Licensee's explanation that it was unaware of the filing deadline. The Commission has been clear that ignorance of the law is not an excuse for failure to comply with Commission rules and regulations.<sup>14</sup> Similarly, we find that Licensee's explanation regarding difficulties obtaining its FRN and password is not a mitigating circumstance that would warrant cancellation of the proposed forfeiture, and is largely irrelevant because, by the time Licensee initiated its efforts to obtain its FRN and password on December 13, 2019, the renewal deadline had already passed.<sup>15</sup> Accordingly, we will not cancel the proposed forfeiture penalty. However, because Licensee has a history of a compliance of with the Rules, we will reduce the proposed forfeiture to \$1,125.<sup>16</sup>

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<sup>7</sup> Application, Amendment, "WPMR Amendment Statement" and "WPMR Statement" (filed Mar. 5, 2021) (Amendment).

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> 47 U.S.C. § 503(b).

<sup>11</sup> 47 CFR § 1.80.

<sup>12</sup> *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*, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

<sup>13</sup> 47 U.S.C. § 503(b)(2)(E).

<sup>14</sup> *Whidbey Island Center for the Arts*, Forfeiture Order, 25 FCC Rcd 8204 (MB 2010) (*Whidbey Island Forfeiture Order*) (citing *PJB Communications of Virginia, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 2088 (1992); *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387 (1991), *recon. denied*, 7 FCC Rcd 3454 (1992) (stating that "inadvertence ... is at best, ignorance of the law, which the Commission does not consider a mitigating circumstance").

<sup>15</sup> See Amendment ("Even at this point the application would have been 'late-filed' as it was due by December 2, 2019).

<sup>16</sup> *Zuma Beach FM Emergency and Cmty. Broad., Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 33 FCC Rcd 8222, 8228, para. 15 (MB 2018) (reducing proposed forfeiture by 25% based on history of compliance with the Rules).

#### IV. ORDERING CLAUSES

6. Accordingly, **IT IS ORDERED** that, pursuant to sections 0.61, 0.283, and 1.108 of the Commission's rules,<sup>17</sup> the forfeiture issued to Provision Ministry, on February 23, 2021, **IS HEREBY REDUCED**, and that, pursuant to section 503(b) of the Communications Act of 1934, as amended, and sections 0.283 and 1.80 of the Commission's rules, Provision Ministry, **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of \$1,125 for its willful violation of section 73.3539 of the Commission's rules.

7. 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 system),<sup>18</sup> 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:<sup>19</sup>

- 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](mailto: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 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).<sup>20</sup> 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.

8. Any request for making full payment over time under an installment plan should be sent to: Associate Managing Director—Financial Operations, Federal Communications Commission, 45 L Street NE, Washington, DC 20554. Questions regarding payment procedures should be directed to the

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<sup>17</sup> 47 CFR §§ 0.61, 0.283, 1.108.

<sup>18</sup> Payments made using the Commission's Fee Filer system do not require the submission of an FCC Form 159.

<sup>19</sup> 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](mailto:ARINQUIRIES@fcc.gov).

<sup>20</sup> Instructions for completing the form may be obtained at <https://transition.fcc.gov/Forms/Form159/159.pdf>.

Financial Operations Group Help Desk by phone, 1-877-480-3201 (option #6), or by e-mail, [ARINQUIRIES@fcc.gov](mailto: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 Keith Nichols, Provision Ministry, 181 Tide Dr., Hamilton, AL 35570.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner  
Chief, Audio Division  
Media Bureau