

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

In re Application of)	
)	
Corning Christian Radio Corporation)	Facility ID No. 132440
)	NAL/Acct. No. MB-202241410023
For Renewal of License for)	FRN: 0007698889
Low Power FM Station WLRG-LP)	File No. 0000192265
Corning, New York)	
)	

ORDER

Adopted: November 16, 2022

Released: November 16, 2022

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 Corning Christian Radio Corporation (Licensee), licensee of Station WLRG-LP, Corning, New York (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.³ Licensee was instructed to provide a response within thirty days of receipt of the *NAL*. The Bureau received Licensee’s response on November 11, 2022.⁴ 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

¹ *Corning Christian Radio Corporation*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 22-1084 (MB Oct. 12, 2022) (*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 As an LPFM station, the Station is providing a secondary service. See, e.g., *Amazing Grace Church*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 36 FCC Rcd 4747 (MB 2021); *Virginia Center for Public Press*, Memorandum Opinion and Order and Notice of Apparent Liability, 34 FCC Rcd 9312 (MB 2019) (proposing \$1,500 forfeitures for untimely filed renewal applications for LPFM stations).

⁴ Letter from Donald E. Martin, Esq., Counsel, Corning Christian Radio Corporation, to Albert Shuldiner, Chief, Audio Division, Media Bureau (rec’d Nov. 11, 2022) (*NAL Response*).

current financial status.⁵ We accept Licensee's showing that payment of the proposed forfeiture would create a financial hardship. Licensee argues the proposed forfeiture amount exceeds its ability to pay, and submits three years of federal tax returns from 2019 through 2021, indicating that Licensee operated with a net loss in 2019 and 2020, and a net gain less than the proposed forfeiture amount in 2021.⁶ 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,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-202241410023) issued to Corning Christian Radio Corporation **IS CANCELLED** and that Corning Christian Radio Corporation 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 Corning Christian Radio Corporation, c/o Charlie Hammer, 121 Fuller Street, Corning, NY 14830, and to its counsel, Donald E. Martin, Esq., P.O. Box 8433, Falls Church, Virginia 22041.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁵ See *NAL* at 4, 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).

⁶ *NAL Response* at 1 and attachments. Licensee's reported revenues were \$80.00 with a net operating loss of \$335.00 in 2019, \$42.00 with a net operating loss of \$435.00 in 2020, and \$700.00 with a net operating gain of \$536.00 in 2021.

⁷ 47 U.S.C. § 504(b).

⁸ 47 CFR §§ 0.61, 0.283, 1.80(f)(4).