**Before the**

**Federal Communications Commission**

**Washington, D.C. 20554**

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| In re Application of **Cascade Community Radio**For Renewal of License forLow Power FM Station KVRN-LPPortland, Oregon  | **)****)****)****)****)****)****)** | Facility ID No. 196380NAL/Acct. No. MB-202441410004FRN: 0017039645File No. 0000226531 |

**ORDER**

**Adopted: February 29, 2024 Released: February 29, 2024**

By the Chief, Audio Division, Media Bureau:

# INTRODUCTION

1. The Media Bureau (Bureau) has before it a request to cancel a Notice of Apparent Liability (*NAL*)[[1]](#footnote-3) issued to Cascade Community Radio (Licensee), licensee of Station KVRN-LP, Portland, Oregon (Station), for apparently willfully violating section 73.3539[[2]](#footnote-4) of the Commission’s rules (Rules) by failing to timely file a license renewal application for the Station, as ordered by a short-term renewal letter.[[3]](#footnote-5) As discussed below, we cancel the forfeiture and instead admonish Licensee for the violation.

# BACKGROUND

1. The Commission’s base forfeiture amount for the failure to file a required form is $3,000.[[4]](#footnote-6) In the *NAL*, the Bureau proposed a reduced forfeiture amount of $1,500 based upon the specific circumstances of this case.[[5]](#footnote-7) Licensee was instructed to provide a response within thirty days of receipt of the NAL.[[6]](#footnote-8) The Bureau received Licensee’s response on February 9, 2024.[[7]](#footnote-9) Licensee requests cancellation of the *NAL* due to inability to pay.[[8]](#footnote-10)

# DISCUSSION

1. As noted in the *NAL*, the Commission will not consider reducing or cancelling 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.[[9]](#footnote-11) 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 Form CT-12 financial submissions to the Oregon Department of Justice, Charities Division, from 2020 through 2022, because Licensee is not a registered 501(c)(3) nonprofit corporation and therefore does not file federal tax returns.[[10]](#footnote-12) Licensee’s financial submissions, and the declaration of Joshua Kretzmann, board member, indicate that Licensee operated without any income from 2020 through 2022.[[11]](#footnote-13) Accordingly, we will cancel the proposed forfeiture. However, we admonish Licensee for its willful violation of section 73.3539 of the Rules.[[12]](#footnote-14)

# ORDERING CLAUSES

1. Accordingly, **IT IS ORDERED** that, pursuant to section 504(b) of the Communications Act of 1934, as amended,[[13]](#footnote-15) and sections 0.61, 0.283, and 1.80(f)(4) of the Commission’s rules,[[14]](#footnote-16) the Notice of Apparent Liability for a Forfeiture (NAL/Acct. No. MB-202441410004) issued to Cascade Community Radio **IS CANCELLED** and that Cascade Community Radio is instead **HEREBY ADMONISHED** for its violation of section 73.3539 of the Commission’s rules.
2. **IT IS FURTHER ORDERED** that copies of this Order shall be sent by First Class and Certified Mail, Return Receipt Requested, to Cascade Community Radio, c/o Joshua Kretzmann, 3801 SE 153rd Ave., Portland, OR 97236.

 FEDERAL COMMUNICATIONS COMMISSION

 Albert Shuldiner

 Chief, Audio Division

 Media Bureau

1. *Cascade Community Radio*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 24-28 (MB Jan. 11, 2024) (*NAL*). [↑](#footnote-ref-3)
2. *See* 47 CFR § 73.3539. [↑](#footnote-ref-4)
3. *Cascade Community Radio*, Letter Order, Ref 1800B3-ATS (MB Feb. 1, 2023) (*Short Term Renewal Letter*); *see also* Application File No. 0000162477 (Renewal of License, filed Oct. 1, 2021), Attach. “2023-02-01 KVRN-LP Short Term Letter.pdf”. [↑](#footnote-ref-5)
4. *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)(11), note to paragraph (b)(11), section I. [↑](#footnote-ref-6)
5. As an LPFM station, the Station is providing a secondary service. *See, e.g.*, *La Casa de la* Raza, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 22-195 (MB Feb. 25, 2022) and *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). [↑](#footnote-ref-7)
6. *NAL* at 3. [↑](#footnote-ref-8)
7. Letter from Joshua Kretzmann, Board Member, Cascade Community Radio, to Albert Shuldiner, Chief, Audio Division, FCC Media Bureau (Feb. 5, 2024) (*NAL Response*). [↑](#footnote-ref-9)
8. *Id.* Licensee also submits a number of arguments regarding the Station’s short term renewal, which areunrelated to cancellation or reduction of the *NAL*. Accordingly, they are not addressed in this Order. [↑](#footnote-ref-10)
9. *See NAL* at 4, para. 12; *Discussion Radio, Inc*., Memorandum Opinion and Oder, 19 FCC Rcd 7433, 7441, para. 28 (2004), *forfeiture reduced on recon*., 24 FCC Rcd 2206 (MB 2009). [↑](#footnote-ref-11)
10. *NAL Response* at 1-2 and Attachs. A and B. [↑](#footnote-ref-12)
11. *Id.* [↑](#footnote-ref-13)
12. *See Corning Christian Radio Corporation*, Order, 37 FCC Rcd 13300 (2022) (admonishing licensee for willful violation of the Commission’s rules, and cancelling the $1,500 forfeiture due to demonstrated inability to pay). [↑](#footnote-ref-14)
13. 47 U.S.C. § 504(b). [↑](#footnote-ref-15)
14. 47 CFR §§ 0.61, 0.283, 1.80(f)(4). [↑](#footnote-ref-16)