

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

In re Application of
Cascade Community Radio
For Renewal of License for
Low Power FM Station KVRN-LP
Portland, Oregon
Facility ID No. 196380
NAL/Acct. No. MB-202441410004
FRN: 0017039645
File No. 0000226531

ORDER

Adopted: February 29, 2024

Released: February 29, 2024

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) issued to Cascade Community Radio (Licensee), licensee of Station KVRN-LP, Portland, Oregon (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 ordered by a short-term renewal letter. 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. 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 February 9, 2024. Licensee requests

1 Cascade Community Radio, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 24-28 (MB Jan. 11, 2024) (NAL).

2 See 47 CFR § 73.3539.

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”.

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.

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).

6 NAL at 3.

7 Letter from Joshua Kretzmann, Board Member, Cascade Community Radio, to Albert Shuldiner, Chief, Audio Division, FCC Media Bureau (Feb. 5, 2024) (NAL Response).

cancellation of the *NAL* due to inability to pay.<sup>8</sup>

### III. DISCUSSION

3. 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.<sup>9</sup> 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.<sup>10</sup> Licensee's financial submissions, and the declaration of Joshua Kretzmann, board member, indicate that Licensee operated without any income from 2020 through 2022.<sup>11</sup> Accordingly, we will cancel the proposed forfeiture. However, we admonish Licensee for its willful violation of section 73.3539 of the Rules.<sup>12</sup>

### IV. ORDERING CLAUSES

4. Accordingly, **IT IS ORDERED** that, pursuant to section 504(b) of the Communications Act of 1934, as amended,<sup>13</sup> and sections 0.61, 0.283, and 1.80(f)(4) of the Commission's rules,<sup>14</sup> 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.

5. **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

---

<sup>8</sup> *Id.* Licensee also submits a number of arguments regarding the Station's short term renewal, which are unrelated to cancellation or reduction of the *NAL*. Accordingly, they are not addressed in this Order.

<sup>9</sup> See *NAL* at 4, para. 12; *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).

<sup>10</sup> *NAL Response* at 1-2 and Attachs. A and B.

<sup>11</sup> *Id.*

<sup>12</sup> 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).

<sup>13</sup> 47 U.S.C. § 504(b).

<sup>14</sup> 47 CFR §§ 0.61, 0.283, 1.80(f)(4).