

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

In the Matter of	)	
	)	
<b>WORD OF GOD FELLOWSHIP, INC.</b>	)	Facility ID No. 10291
	)	NAL/Acct. No. 202441420004
Low Power Television Station	)	FRN: 0001843697
KUMO-LD, St. Louis, Missouri	)	LMS File No. 0000235569
	)	

**MEMORANDUM OPINION AND ORDER AND  
 NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

**Adopted: March 13, 2024**

**Released: March 13, 2024**

By the Chief, Video Division, Media Bureau:

**I. INTRODUCTION**

1. The Media Bureau (Bureau) has before it Word of God Fellowship, Inc. (WOG or Licensee), licensee of low power television (LPTV) station KUMO-LD, St. Louis, Missouri (KUMO-LD or Station). In this *Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture (NAL)*,<sup>1</sup> we find that WOG apparently willfully violated section 73.3598(a)<sup>2</sup> of the Commission’s rules (Rules) by failing to timely file a license to cover application and section 73.1635(a) by failing to file for extension of its special temporary authority.<sup>3</sup> WOG also willfully and repeatedly violated section 73.1745 of the Rules<sup>4</sup> and section 301 of the Act,<sup>5</sup> by engaging in unauthorized operation. Based upon our review of the facts and circumstances before us, we conclude that WOG is apparently liable for a monetary forfeiture in the amount of nine thousand five hundred dollars (\$9,500).

**II. BACKGROUND**

2. KUMO-LD is an LPTV station whose channel 51 facilities were displaced by the Incentive Auction and repacking process. The Station obtained a construction permit for displacement channel 32 (Displacement CP) that was granted on July 27, 2018 and expired on July 27, 2021.<sup>6</sup> On October 19, 2017, the Station was granted special temporary authority (STA) to begin operating on channel 32 while its displacement application was pending.<sup>7</sup> That STA expired on April 19, 2018 while

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<sup>1</sup> This *NAL* is issued pursuant to sections 309(k) and 503(b) of the Communications Act of 1934, as amended (Act), and section 1.80 of the Commission’s rules (Rules). *See* 47 U.S.C. §§ 309(k), 503(b); 47 CFR § 1.80. The Bureau has delegated authority to issue the *NAL* under section 0.283 of the Rules. *See* 47 CFR § 0.283.

<sup>2</sup> *See* 47 CFR § 73.3598(a). *See also* 47 CFR § 73.1620(a) (permitting program tests upon notification to the Commission, provided that within 10 days thereafter, an application for a license is filed with the Commission).

<sup>3</sup> 47 CFR § 73.1635(a).

<sup>4</sup> 47 CFR § 73.1745.

<sup>5</sup> *See* 47 U.S.C. § 301.

<sup>6</sup> *See* LMS File No. 0000030456.

<sup>7</sup> *See* LMS File No. 0000030457.

the displacement application was still pending, was not renewed, and the Station continued to operate on displacement channel 32 after the STA expired.<sup>8</sup>

3. On January 17, 2024, WOG filed the Station's application for license to cover (License Application), over two years after the construction permit had expired and, according to WOG, almost four years after construction was completed.<sup>9</sup> In the License Application, as amended, WOG acknowledged that the Station began operating pursuant to the Displacement CP on January 5, 2020, and that it was late in submitting the License Application "due to administrative oversight."<sup>10</sup> WOG provides documentary evidence that the Station was completed and has been operating since that time, including copies of the Station's monthly tower rent and utility payments, a declaration from its principal, and invoices for the equipment and installation work conducted in January 2020.<sup>11</sup> WOG requests waiver of the rules and that the Commission accept the Station's late-filed Application. WOG argues that grant of its requests are in the public interest because it would permit the Station to continue providing its programming to its viewers in St. Louis, Missouri, and the surrounding areas.<sup>12</sup>

### III. DISCUSSION

4. This *NAL* is issued pursuant to section 503(b)(1)(B) of the Act.<sup>13</sup> Under that provision, a person who is found to have willfully or repeatedly failed to comply with any provision of the Act or any rule, regulation, or order issued by the Commission shall be liable to the United States for a forfeiture penalty.<sup>14</sup> Section 312(f)(1) of the Act defines willful as "the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate" the law.<sup>15</sup> The legislative history to section 312(f)(1) of the Act clarifies that this definition of willful applies to both sections 312 and 503(b) of the Act,<sup>16</sup> and the Commission has so interpreted the term in the section 503(b) context.<sup>17</sup> Section 312(f)(2) of the Act provides that "[t]he term 'repeated,' when used with reference to the commission or omission of any act, means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day."<sup>18</sup>

5. *Apparent Violations.* WOG concedes that it failed to timely file a license to cover as required by section 73.3598(a) of the Rules<sup>19</sup> and that it continued to operate on its displacement channel 32 without authorization after its STA expired in April 2018 as required by section 73.1635(a) of the

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<sup>8</sup> See LMS File No. 0000235569 (License Application) at Exhibit re: Acceptance of Late-Filed License to Cover Application - KUMO-LD at 1 (Acceptance Exhibit).

<sup>9</sup> *Id.* We note that because the Displacement CP had not yet been canceled in the Commission's Licensing and Management System (LMS), the Station was able to file license to cover application against its expired permit. Cancellation of a station's forfeited construction permit by Bureau staff in LMS is an administrative function and does not constitute an official Commission action nor require any affirmative cancellation by the Commission. As a result, failure by Bureau staff to cancel a forfeited construction permit in LMS does not result in an expired construction permit remaining valid.

<sup>10</sup> *Id.*, Acceptance Exhibit at 1.

<sup>11</sup> *Id.* at Declaration of Arnold Torres and Robert Sparkman Invoices.

<sup>12</sup> *Id.*, Acceptance Exhibit at 3-4.

<sup>13</sup> 47 U.S.C. § 503(b)(1)(B).

<sup>14</sup> *Id.* See also 47 CFR § 1.80(a)(1).

<sup>15</sup> 47 U.S.C. § 312(f)(1).

<sup>16</sup> See H.R. Rep. No. 97-765, 97<sup>th</sup> Cong. 2d Sess. 51 (1982).

<sup>17</sup> See *Southern California Broad. Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388, para. 5 (1991), *recon. denied*, Memorandum Opinion and Order, 7 FCC Rcd 3454 (1992).

<sup>18</sup> 47 U.S.C. § 312(f)(2).

<sup>19</sup> See 47 CFR § 73.3598(a).

Rules.<sup>20</sup> WOG admits that it failed to timely submit an application for license to cover due to an administrative oversight. It is well settled precedent that licensees are responsible for compliance with the Commission's rules and that administrative oversight does not excuse a violation or non-compliance.<sup>21</sup> Furthermore, applicants and licensees are responsible for the errors or oversights of their employees.<sup>22</sup>

6. WOG also operated the Station without a valid license authorization for a total of nearly six years. For nearly 21 months, from April 19, 2018 to January 5, 2020, WOG operated the Station without a valid authorization after it failed to renew its STA. Then beginning January 5, 2020 until over four years later when it filed its license application on January 17, 2024, it operated from its completed displacement facility without a valid license.<sup>23</sup> We therefore find that WOG has apparently engaged in unauthorized operation, in violation of sections 73.1745(a) of the Rules and section 301 of the Act.<sup>24</sup>

7. *Proposed Forfeiture.* The Commission's *Forfeiture Policy Statement* and section 1.80(b)(10) of the Rules establish a base forfeiture amount of \$3,000 for the failure to file a required form.<sup>25</sup> The guidelines also specify a base forfeiture amount of \$10,000 for each incident of construction and operation without an instrument of authorization for the service.<sup>26</sup> In determining the appropriate forfeiture amount, we may adjust the base amount upward or downward by considering the factors enumerated in section 503(b)(2)(E) of the Act, including “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 such other matters as justice may require.”<sup>27</sup>

8. In this case, WOG failed to timely-file a license to cover and to renew its STA to operate on its displacement channel 32 after it expired April 19, 2018. Taking into consideration all of the factors required by section 503(b)(2)(E) of the Act and the *Forfeiture Policy Statement*, we will reduce the

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<sup>20</sup> See 47 CFR §§ 73.3598(a); 73.1635(a).

<sup>21</sup> See, e.g., *Adrian Abramovitch, Marketing Strategy Leaders, Inc. and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4674, para. 32 & n.79 (2018) (“[O]ne may not “claim ignorance of the law as a defense” (internal cites omitted); *PTT Phone Cards, Inc.*, Forfeiture Order, 30 FCC Rcd 14701, 14704, para. 10 (2015) (“PTT’s purported ignorance of the law certainly does not excuse the fact that it . . . [was] out of compliance with all of the provisions of the Act and the [Commission’s] [r]ules to which it was subject.”); *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, para 3 (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”) (internal cite omitted); see also *Townsquare Media of El Paso, Inc.*, Notice of Apparent Liability for Forfeiture, 35 FCC Rcd 6661, 6665, para. 5 & n. 37 (EB 2020) (“It is immaterial whether . . . violations were inadvertent, the result of ignorance of the law, or the product of administrative oversight.”) (internal cites omitted); *Rufus Resources, LLC*, Forfeiture Order, 33 FCC Rcd 6793, 6794, para. 5 (MB 2018) (“It is well settled that ignorance of the [Commission’s] [r]ules does not excuse a violation.”) (internal cites omitted).

<sup>22</sup> See, e.g., *Roy E. Henderson*, Memorandum Opinion and Order, 33 FCC Rcd 3385, 3387-88, para. 6 (2018) (rejecting argument that licensee’s engineer was to blame for station’s unauthorized operations).

<sup>23</sup> We deem all operations that have occurred following the filing of the Station’s License Application, so long as they are conducted in accordance with the parameters set forth therein, to have been authorized operations.

<sup>24</sup> See 47 CFR § 73.1745(a) and 47 U.S.C. § 301.

<sup>25</sup> 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, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999); 47 CFR § 1.80(b)(10), note to paragraph (b)(10), Section I. See also *Clear Channel*, 26 FCC Rcd at 7157 (“We note that the staff may also issue Notices of Apparent Liability for ‘failure to file a required form’ as authorized by Section 503(b)(1)(B) of the Communications Act of 1934, as amended (the ‘Act’) and Section 1.80 of the Rules, for such violations of covering license application filing deadlines or take other enforcement action.”).

<sup>26</sup> A broadcast station requires an authorization from the Commission to operate. See 47 U.S.C. § 301.

<sup>27</sup> 47 U.S.C. § 503(b)(2)(E); see also *Forfeiture Policy Statement*, 12 FCC Rcd at 17100; 47 CFR § 1.80(b)(10).

forfeiture from the base amount of \$26,000 to \$9,500. We find it appropriate to reduce the proposed forfeiture from the base forfeiture amount because, as an LPTV station, the Station is providing a secondary service; however we find that a larger forfeiture amount is warranted here than may have been applied in other cases with similar violations due to the length of time of the violation, nearly six years of unauthorized operation, and its failure to file/timely file multiple necessary applications.<sup>28</sup>

9. We will grant the Station's pending License Application by separate action upon the conclusion of this forfeiture proceeding if there are no issues other than the apparent violations that would preclude grant.<sup>29</sup> The Station is permitted to continue to operate pursuant to the parameters specified in the License Application.<sup>30</sup>

#### IV. ORDERING CLAUSES

10. Accordingly, **IT IS ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and section 1.80 of the Commission's rules,<sup>31</sup> Word of God Fellowship, Inc. is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of nine thousand five hundred dollars (\$9,500) for its apparent willful violations of sections 73.3598(a) and 73.1635(a) of the Commission's rules and its apparent willful and repeated violations of section 73.1745(a) of the Rules and section 301 of the Communications Act of 1934, as amended.<sup>32</sup>

11. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules,<sup>33</sup> that, within thirty (30) days of the release date of this *NAL*, Word of God Fellowship, Inc. **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

12. Payment of the forfeiture must be made by credit card, ACH (Automated Clearing House) debit from a bank account using CORES (the Commission's online payment system),<sup>34</sup> or by wire transfer. Payments by check or money order to pay a forfeiture are no longer accepted. **Notification that payment has been made must be sent on the day of payment by e-mail to [Shaun.Maher@fcc.gov](mailto:Shaun.Maher@fcc.gov) and [VideoNAL@fcc.gov](mailto:VideoNAL@fcc.gov).** Below are instructions that payors should follow based on the form of payment selected:<sup>35</sup>

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<sup>28</sup> See, e.g., *Southwest Colorado TV Translator Association*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 36 FCC Rcd 18042 (2021) (reducing forfeiture for late filed application for license to cover and four months unauthorized operations to \$3,500 because station was an LPTV station and providing a secondary service) (paid Jan. 20, 2022); Cf. *The Estate of Ettie Clark*, Memorandum Opinion and Order and Notice of Apparent Liability, 37 FCC Rcd 4111 (2022) (finding that although the station is secondary, a larger forfeiture amount (\$6,500) was warranted given the lengthy period of time (over three years) the station engaged in unauthorized operation) (paid Apr. 19, 2022).

<sup>29</sup> The Station's pending application for renewal of license will likewise be considered by separate action upon conclusion of this forfeiture proceeding. See LMS File No. 0000149556.

<sup>30</sup> If the Station must operate at variance from these parameters it must file all required notifications and applications with the Commission. Any questions with regards to making such filings should be directed to Shaun Maher, Attorney-Advisor, Video Division, Media Bureau by e-mail at [Shaun.Maher@fcc.gov](mailto:Shaun.Maher@fcc.gov) (legal) or Mark Colombo, Associate Division Chief, Video Division, Media Bureau by e-mail at [Mark.Colombo@fcc.gov](mailto:Mark.Colombo@fcc.gov) (LMS/technical).

<sup>31</sup> 47 U.S.C. § 503(b); 47 CFR § 1.80.

<sup>32</sup> 47 CFR § 73.3598(a); 73.1635(a); 73.1745(a); 47 U.S.C. § 301.

<sup>33</sup> 47 CFR § 1.80.

<sup>34</sup> Payments made using CORES do not require the submission of an FCC Form 159.

<sup>35</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).

- 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 FCC 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>36</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 Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/cores/paymentFrnLogin.do>. 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 “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL/Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). Finally, 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.

13. 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, N.E., Washington, DC 20554.<sup>37</sup> Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201 (option #6), or by e-mail at [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

14. Any written response seeking reduction or cancellation of the proposed forfeiture must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to sections 1.16 and 1.80(g)(3) of the Commission’s rules.<sup>38</sup> The written response must be filed with the Office of the Secretary, Federal Communications Commission, 45 L Street NE, Washington DC 20554, ATTN: Shaun Maher, Attorney, Video Division, Media Bureau, and **MUST INCLUDE** the NAL/Acct. No. referenced above. Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the

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<sup>36</sup> Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>37</sup> See 47 CFR § 1.1914.

<sup>38</sup> 47 CFR §§ 1.16 and 1.80(g)(3).

Secretary, Federal Communications Commission.<sup>39</sup> **A copy must also be e-mailed to [Shaun.Maher@fcc.gov](mailto:Shaun.Maher@fcc.gov) and [VideoNAL@fcc.gov](mailto:VideoNAL@fcc.gov) to assist in processing the response.**

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

15. The Commission will not consider reducing or canceling a forfeiture in response to a claim of 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 (GAAP); or (3) some other reliable and objective documentation that accurately reflects the respondent's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we have discretion to not reduce or cancel the forfeiture if other prongs of section § 503(b)(2)(E) of the Communications Act of 1934, as amended, support that result.<sup>40</sup>

16. **IT IS FURTHER ORDERED** that copies of this *NAL* shall be sent by First Class and Certified Mail, Return Receipt Requested, to Word of God Fellowship, Inc., 3901 Highway 121 S, Bedford, TX 76021 as well as by e-mail to [ARNOLD.TORRES@DAYSTAR.COM](mailto:ARNOLD.TORRES@DAYSTAR.COM), and to WOG's counsel, Mark Denbo, Esq., 5028 Wisconsin Avenue, N.W., Suite 301, Washington, DC 20016 and emailed to: [mdenbo@fccworld.com](mailto:mdenbo@fccworld.com).

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>39</sup> Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, 35 FCC Rcd 2788 (2020).

<sup>40</sup> See 47 U.S.C. 503(b)(2)(E); *Adrian Abramovich*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018).