

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

In the Matter of)	
)	
NORTH TEXAS PUBLIC BROADCASTING, INC.)	Facility ID No. 72353
)	NAL/Acct. No. 202441420007
)	FRN: 0006194633
Television Translator Station)	LMS File Nos. 0000188462 and
K26NK-D, Wichita Falls, TX)	0000243118

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

Adopted: May 22, 2024

Released: May 22, 2024

By the Chief, Video Division, Media Bureau:

I. INTRODUCTION

1. The Media Bureau (Bureau) has before it North Texas Public Broadcasting, Inc. (NTPB or Licensee), licensee of television translator (TV translator) station K26NK-D, Wichita Falls, Texas (K26NK-D or Station). In this *Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture (NAL)*,¹ we find that NTPB apparently willfully violated section 73.3598(a)² of the Commission’s rules (Rules) by failing to timely file a license to cover application (License App), and willfully and repeatedly violated section 73.1745(a) of the Rules³ and section 301 of the Act,⁴ by engaging in unauthorized operation. Based upon our review of the facts and circumstances before us, we conclude that NTPB is apparently liable for a monetary forfeiture in the amount of three thousand two hundred and fifty dollars (\$3,250).

II. BACKGROUND

2. K26NK-D is a TV translator station licensed on channel 26 that re-broadcasts the programming of NTPB’s full power noncommercial educational (NCE) television station KERA-TV, Dallas, Texas, to the rural area of Wichita Falls, Texas.⁵ NTPB explains that, on December 18, 2020, a broadcast tower in Wichita Falls that held the Station’s antenna was vandalized and fell.⁶ NTPB states that the damage to the antenna disrupted operations, the Station was forced to go off the air, and NTPB reported the Station’s suspended operations in an request for silent special temporary authority (STA) filed January 6, 2021.⁷ Simultaneously, NTPB requested an engineering STA to continue operating the Station from a temporary tower location. That request was granted on January 25, 2021, and expired on

¹ 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.

² *See* 47 CFR § 73.3598(a).

³ 47 CFR § 73.1745(a).

⁴ *See* 47 U.S.C. § 301.

⁵ *See* LMS File No. 0000055164.

⁶ *See* LMS File No. 0000243118 (License App) – NTPB – Waiver Request at 1 (Waiver Request).

⁷ *See* LMS File No. 0000130569.

July 25, 2021.⁸ NTPB maintains that the Station resumed operations from the temporary tower location on April 21, 2021. NTPB subsequently filed an application for minor modification specifying the temporary tower site for its permanent operation. The minor modification was granted on May 6, 2021 (Minor Mod CP).⁹ Despite the fact that the Station was already operating from the Minor Mod CP site, NTPB admits that, due to “administrative oversight,” it failed to submit a license to cover its facility.¹⁰

3. On April 5, 2024, in response to a staff inquiry from the Video Division of the Media Bureau (Bureau), NTPB submitted a late-filed license to cover the Minor Mod CP and its Waiver Request.¹¹ NTPB provided documentation demonstrating the Station’s Minor Mod CP facilities were constructed and have been operating, as NTPB attests, since April 2021.¹² At the time the License App was filed, the Minor Mod CP was still valid and not scheduled to expire for over a month. NTPB requests that the Bureau waive its rules and accept its late-filed License App.¹³ NTPB notes that it is a not-for profit 501(c)(3) educational organizational and the PBS member station for North Texas.¹⁴ NTPB states that its relocation to a new tower site “was not a planned modification, but rather was obtained following vandalism that disrupted the (Station’s) operations and forced NTPB to incur the expense to relocate” the Station’s antenna.¹⁵ As a digital TV translator, NTPB maintains that the Station is “providing a secondary service” and is “not originating programming, but instead providing important ‘fill-in’ service to areas that otherwise may be unable to receive over-the-air television signals.”¹⁶

4. NTPB argues that grant of its Waiver Request is consistent with Commission precedent and “strict compliance with the rule would result in loss of service to the public and be inconsistent with the public interest.”¹⁷ NTPB maintains that the Station “has been providing important fill-in service operating pursuant to the authority granted in the Minor Mod CP and without causing any interference or harm.”¹⁸ NTPB also notes that it has limited revenues that are obtained primarily from viewer contributions, community service grants, and underwriting.¹⁹ NTPB includes copies of its most recent financial statements showing that for each of the past three years its operating expenses have exceeded revenues.²⁰ NTPB concludes that grant of its Waiver Request is further in the public interest “because it would permit (the Station) to continue broadcasting noncommercial educational programming to its viewers in Wichita Falls, Texas.”²¹

⁸ See LMS File No. 0000131217 (Engineering STA).

⁹ See LMS File No. 0000144493 (Minor Mod CP).

¹⁰ Waiver Request at 1.

¹¹ See License App, *supra* n. 6.

¹² *Id.* – Attachment 3 – Evidence of Continuous Operation.

¹³ Waiver Request at 2. Because the Minor Mod CP was still valid at the time the License to Cover was filed, reinstatement of the Minor Mod CP is not necessary.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 3 citing *Southwest Colorado TV Translator Association*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 36 FCC Red 18042, 18045, para. 6, n. 17 (MB 2021).

¹⁸ *Id.* at 3.

¹⁹ *Id.*

²⁰ License App – NTPB Audited Financial Statements 2021, 2022, 2023. In 2021, NTPB had revenues of \$24,459,334 and a deficit of -\$626,470; in 2022, revenues of \$25,602,362 and a deficit of -\$1,814,069 and in 2023, revenues of \$26,588,208 and a deficit of -\$3,292,029.

²¹ *Id.*

III. DISCUSSION

5. This *NAL* is issued pursuant to section 503(b)(1)(B) of the Act.²² 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.²³ 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.²⁴ 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,²⁵ and the Commission has so interpreted the term in the section 503(b) context.²⁶ 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.”²⁷

6. *Apparent Violations.* NTPB concedes that it failed to timely file a license to cover as required by section 73.3598(a) of the Rules.²⁸ NTPB states 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.²⁹ Further, following expiration of the Engineering STA in July 2021 and prior to filing of the License App in April 2024, it appears NTPB also engaged in unauthorized operation

²² 47 U.S.C. § 503(b)(1)(B).

²³ *Id.* See also 47 CFR § 1.80(a)(1).

²⁴ 47 U.S.C. § 312(f)(1).

²⁵ See H.R. Rep. No. 97-765, 97th Cong. 2d Sess. 51 (1982).

²⁶ 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).

²⁷ 47 U.S.C. § 312(f)(2).

²⁸ 47 CFR § 73.3598(a). NTPB also did not seek an extension of its engineering STA as required by section 73.1635(a) of the Rules. 47 CFR § 73.1635(a). The Engineering STA expired in July 2021. We decline to include an additional forfeiture for its failure to renew its STA given that the parameters set forth in its license to cover were identical to that of its engineering STA. Either would have been appropriate to file in this circumstance and proposing a forfeiture for both failures we believe would be duplicative. *Cf. Roseland Broadcasting, Inc.*, Forfeiture Order, DA 24-328 (MB 2024) (paid Apr. 15, 2024) (station not only failed to timely-file a license to cover but also began operating facilities that had been modified without authorization thus resulting in an additional forfeiture for unauthorized operations).

²⁹ 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).

for nearly three years in violation of sections 73.1745(a) of the Rules and 301 of the Act.³⁰ We therefore find that NTPB has apparently violated the Rules and the Act and is apparently liable for forfeiture.

7. *Proposed Forfeiture Amount.* The Commission's *Forfeiture Policy Statement* and section 1.80(b)(10) of the Rules establish a base forfeiture amount of \$3,000 per violation for the failure to file a required form.³¹ The guidelines also specify a base forfeiture amount of \$10,000 per violation for construction and operation without an instrument of authorization for the service.³² 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.”³³

8. When considering a licensee’s ability to pay a forfeiture, the Commission will look at things such as: (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.³⁴ Any claim relating to ability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.³⁵ In general, a licensee’s gross revenues are the best indicator of its ability to pay a forfeiture. The Commission has recognized that, in some cases, other financial indicators, such as net losses, may also be relevant.³⁶ If gross revenues are sufficiently great, however, the mere fact that a business is operating at a loss does not by itself mean that it cannot afford to pay.³⁷ In considering claims of financial hardship, the range of forfeitures that the Commission has deemed reasonable generally averages about five percent of the violator’s gross annual income and has not exceeded eight percent thereof, although a forfeiture equal to five percent of gross revenues has been found to be excessive where a licensee operated at a significant loss.³⁸

9. In this case, NTPB failed to file a timely license to cover for the Station when it completed construction of its Minor Mod CP, and after expiration of its STA on July 25, 2021, engaged in unauthorized operation of the Station for nearly three years by operating without a valid instrument of

³⁰ See 47 CFR § 73.1745(a) and 47 U.S.C. § 301. Because the Station had a pending license to cover application on file that was submitted prior to expiration of its construction permit we will not consider the Station’s operations on or after April 5, 2024, to be unauthorized for purposes of calculating the proposed forfeiture.

³¹ 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.”).

³² A broadcast station requires an authorization from the Commission to operate. See 47 U.S.C. § 301.

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

³⁴ See *Discussion Radio, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability, 19 FCC Rcd 7433, 7441, para. 28 (2004), modified, Memorandum Opinion and Forfeiture Order, 24 FCC Rcd 2206 (MB 2009) (reducing forfeiture amount after review of submitted federal tax returns demonstrated a financial hardship).

³⁵ *Id.*

³⁶ *PJB Communications of Virginia, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 2088, 2089 (1992).

³⁷ *Id.*

³⁸ See *Valley Air, LLC*, Letter, 24 FCC Rcd 5505 (MB 2009) (cancelling a \$4,000 forfeiture after finding that the amount was reasonable given licensee’s gross revenues of \$75,167, \$90,106, and \$69,330, but finding amount would pose a financial hardship where licensee lost \$345,000 during the same period).

authorization.³⁹ Taking into consideration all of the factors required by section 503(b)(2)(E) of the Act, the *Forfeiture Policy Statement*, and section 1.80 of the Rules we do not find it appropriate to entirely eliminate the forfeiture. However, we find it is appropriate to reduce the proposed forfeiture from the base forfeiture amount because of NTPB's financial inability to pay based on documentation provided, NTPB's history of compliance, and the unique facts and circumstances presented, notably that the Station is a TV translator, which not only provides a secondary service but is rebroadcasting NCE programming to a rural area that otherwise would have limited if, if any access to such over-the-air programming. Accordingly, propose a forfeiture in the amount of \$3,250.⁴⁰

10. In its Response, NTPB cites to other forfeiture proceedings where, on a per station basis, we have reduced the forfeiture for a secondary station to a lesser amount.⁴¹ Although we find the facts of this case clearly justify a reduction in the base forfeiture, the cases cited by NTPB are not entirely analogous and we find that a similar degree of reduction is not warranted. In the case of *Christian Broadcasting*, the licensee was a small, non-profit organization with average annual revenue of approximately \$27,900.⁴² With regards to the case of *Elko TV District*, the licensee was solely a rural county TV translator association with limited revenues primarily raised through taxes on residents within the TV district.⁴³ NTPB on the other hand is the licensee of both a full power television and FM radio station and raises tens of millions of dollars per year. Although NTPB's revenues are largely raised through donations, grants and underwriting, and it operates at a net loss, the loss is small compared to what it raises annually.⁴⁴ We find NTPB clearly has the resources and sophistication to enable it to ensure compliance with Commission's rules and filing requirements. As such, we do not think additional reduction is warranted even though the violation at issue solely involves a TV translator station.

11. In light of the facts and circumstances discussed above and our findings that forfeiture is a sufficient sanction for NTPB's apparent violations, we will act upon the License App and the Station's license renewal application⁴⁵ by separate action upon the conclusion of this forfeiture proceeding if there are no issues other than those set forth in this *NAL* that would preclude grant.

IV. ORDERING CLAUSES

12. Accordingly, **IT IS ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and sections 0.61, 0.204, 0.283 and 1.80 of the Rules,⁴⁶ North Texas Public Broadcasting, Inc. is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of three thousand two hundred and fifty (\$3,250) for its apparent willful violation of sections

³⁹ See *supra* note 30.

⁴⁰ See *Methow Valley Communications District*, Forfeiture Order, 38 FCC Rcd 4262 (MB 2023) (reducing a proposed forfeiture based on the station's history of compliance and fact that the station was a community translator serving rural areas with limited or no over-the-air television service); *Garfield TV Club*, Memorandum Opinion and Order and Notice of Proposed Liability, DA 23-807 (MB 2023) (calculating a proposed forfeiture based on the licensee's financial ability to pay, history of compliance, and the unique facts and circumstances presented, notably that the Stations were community translators serving rural areas that would otherwise have limited, if any, over-the-air television service).

⁴¹ Waiver Request at 2-3 citing *Elko Television District*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 2540 (MB 2023) (*Elko TV District*); and *Christian Broadcasting of Yakima*, Forfeiture Order, 21 FCC Rcd 3823 (MB 2016) (*Christian Broadcasting*).

⁴² *Christian Broadcasting*, 21 FCC Rcd at 3826, para. 7.

⁴³ *Elko TV District*, 38 FCC Rcd at 2543 (reducing by fifty percent the base amount for failing to timely-file license renewal applications for eleven TV translators).

⁴⁴ See *supra* n. 20.

⁴⁵ LMS File No. 0000188462.

⁴⁶ 47 U.S.C. § 503(b); 47 CFR §§ 0.61, 0.204, 0.283 and 1.80.

73.3598(a) the Rules and apparent willful and repeated violation of section 73.1745(a) of the Rules and section 301 of the Act.⁴⁷

13. **IT IS FURTHER ORDERED**, pursuant to section 1.80 of the Commission's rules,⁴⁸ that, within thirty (30) days of the release date of this *NAL*, North Texas Public Broadcasting, Inc. **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

14. 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),⁴⁹ 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 and VideoNAL@fcc.gov.** Below are instructions that payors should follow based on the form of payment selected:⁵⁰

- 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 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).⁵¹ 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

⁴⁷ 47 CFR § 73.3598(a); 73.1635(a); 73.1745(a); 47 U.S.C. § 301.

⁴⁸ 47 CFR § 1.80.

⁴⁹ Payments made using CORES do not require the submission of an FCC Form 159.

⁵⁰ 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.

⁵¹ Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

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.

15. 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 20554.⁵² 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.

16. 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.⁵³ 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 Secretary, Federal Communications Commission.⁵⁴ **A copy must also be e-mailed to Shaun.Maher@fcc.gov and 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.

17. 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.⁵⁵ 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.⁵⁶

18. **IT IS FURTHER ORDERED** that copies of this *NAL* shall be sent by First Class and Certified Mail, Return Receipt Requested, to North Texas Public Broadcasting, Inc., 3000 Harry Hines Boulevard, Dallas, Texas 75201 as well as by e-mail to cwagley@kera.org; and to NTPB's counsel, Stefanie Alphonso-Frank, Esq., Arnold and Porter, 601 Massachusetts Ave., NW, Washington, DC

⁵² See 47 CFR § 1.1914.

⁵³ 47 CFR §§ 1.16 and 1.80(g)(3). We note that we have already reduced the base forfeiture amounts based on information submitted by NTPB. We will look unfavorably upon a request for further reduction or cancellation based on the same information.

⁵⁴ 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).

⁵⁵ NTPB has provided financial documentation seeking reduction of the proposed forfeiture based on an inability to pay. We will look unfavorably upon a request for further reduction based on the same information.

⁵⁶ See 47 U.S.C. 503(b)(2)(E); *Adrian Abramovich*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018).

20001-3743, as well as e-mailed to Stefanie.Alfonso-Frank@arnoldporter.com.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau