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In the Matter of	)	Facility ID Nos. 198094, 198096, 198095
	)	NAL/Acct. No. MB-202341420021
Town of Coulee City	)	FRN: 003768173
	)	File No. 0000205717
For Renewal of License for	)	
Stations K10RA-D, K11WY-D, and K12RD-D	)	
Coulee City, Washington	)	

Released: September 10, 2026

⁵ See 47 CFR §§ 73.1020, 73.3539(a); *Media Bureau Announces Procedures for 2020-2023 Television License Renewal Cycle*, Public Notice, 35 FCC Rcd 3656 (MB 2020). Because the first day of the month was Saturday, October 1, 2022, the Application was not due until the next business day, which was Monday, October 3, 2022. See 47 CFR § 1.4(j) (permitting the filing of documents the next business day if the filing date falls on a holiday, which includes weekends).

3. Accordingly, on June 21, 2023, the Division released a *Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture (NAL)* that proposed a forfeiture of \$4,500 to Coulee for willfully violating section 73.3539(a) of the Rules by failing to timely file the Application.⁶ The *NAL* gave Coulee thirty days to pay or file a written statement seeking reduction or cancellation of the proposed forfeiture.⁷ In the Division's subsequent November 2, 2023 *Forfeiture Order*, it stated that the Licensee "has neither paid the proposed forfeiture or sought reduction or cancellation of it within the time period set forth in the *NAL*."⁸ Accordingly, the Division issued a forfeiture of \$4,500.⁹

4. In its Petition, Coulee demonstrates that it did in fact respond to the *NAL*.¹⁰ Coulee includes documentation with its Petition that its response to the *NAL* was received at the Commission mailing address listed in the *NAL* albeit on August 3, 2023, thirteen days after the thirty-day filing deadline established in the *NAL*.¹¹ In its Petition, Coulee suggests that the Commission now consider its response to the *NAL*, which asserts that the forfeiture amount should be reduced or cancelled.¹² Specifically, in its response, Coulee maintains that the town "sponsors the licensing of the (Stations) as a public service for the local community which is located in a remote, rural area with limited services."¹³ Coulee further states that "[p]ayment of the proposed fine, if required, will come from the Town's General Fund monies which provide the sole support for the Town's streets, parks, police, fire, and general administration."¹⁴ Coulee argues that the town "operates on a limited budget and payment of this proposed fine will deprive the tax payers of scarce resources that are better spent elsewhere."¹⁵ Coulee provides information about its financial status that shows the town had an average annual gross revenues of \$11,967 for the fiscal years 2020-2022.¹⁶

III. DISCUSSION

5. Under the Rules, "[p]etitions for reconsideration are appropriate where the petitioner demonstrates a material error or omission in the underlying order or raises additional facts not known or not existing until after the petitioner's last opportunity to present such matters, or the Commission determines that consideration of the facts is required in the public interest."¹⁷ While untimely filed, the Division finds that Coulee did in fact respond to the *NAL* and therefore, we will grant Coulee's Petition, consider Coulee's response to the *NAL* and, based upon the information provided, reduce the forfeiture amount to \$600.

6. 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

⁶ *Town of Coulee City*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 5775 (MB 2023).

⁷ *Id.* at 5778, para. 10.

⁸ *Forfeiture Order*, 38 FCC Rcd at 10361, para. 5.

⁹ *Id.*

¹⁰ Petition at 1.

¹¹ *Id.* at 2 (USPS receipt with tracking number). The document was not received by the Video Division and Coulee did not serve it by email as directed in the *NAL*.

¹² *See id.* at 1 & 4 (Statement of ShirleyRae Maes – Mayor of Town of Coulee City, Washington).

¹³ *Id.* at 6.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* at 10 (5 Year Budget Comparison).

¹⁷ *See* 47 CFR § 1.106(b)(2).

current financial status.¹⁸ Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.¹⁹ In general, a licensee's gross revenues are the best indicator of its ability to pay a forfeiture. We recognize that, in some cases, other financial indicators, such as net losses, may also be relevant.²⁰ 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.²¹

7. Here, Coulee has provided the town's "5 Year Budget Comparison" for the three-year period of 2020 to 2022 in order to demonstrate that the proposed forfeiture of \$4,500 would constitute an excessive fine.²² Coulee shows that its three-year average annual gross revenues were approximately \$11,967. In considering claims of financial hardship, the range of forfeitures that the Commission has deemed reasonable generally average about five percent of the violator's gross annual income and have not exceeded eight percent thereof,²³ although a forfeiture equal to five percent of gross revenues has been found to be excessive where a licensee operated at a significant loss.²⁴ In this case, the proposed forfeiture amount in the *NAL* would have equaled approximately thirty-eight percent of Coulee's annual gross revenues. Furthermore, we find that the Stations are TV translators in a rural area that provide the only over-the-air broadcast service to viewers and we acknowledge licensee's funds come from Town's General Fund monies which provide the sole support for Coulee's streets, parks, police, fire, and general administration.²⁵ Accordingly, based on the facts before us, we reduce the forfeiture amount to \$600, which reflects an amount approximately five percent of Coulee's average annual gross revenues and correlates to a fine of \$200 per station. We find that this forfeiture is appropriate for the violations involved in this case and is reasonable based on Coulee's finances.

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED** that, pursuant to section 405 of the Communications Act of 1934, as amended, 47 U.S.C. § 405, and section 1.106 of the Commission's rules, 47 CFR § 1.106, the Petition for Reconsideration filed by Town of Coulee City is hereby **GRANTED**.

9. **IT IS FURTHER ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, and sections 0.283 and 1.80 of the Commission's rules,²⁶ that the Town of Coulee City **SHALL FORFEIT** to the United States the sum of six hundred dollars (\$600) for its apparent willful violation of section 73.3539(a) of the Commission's rules, 47 CFR § 73.3539(a).

¹⁸ See *NAL*, 38 FCC Rcd at 5779, para. 14.

¹⁹ See *Discussion Radio, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability, 19 FCC Rcd 7433, 7441, para. 23 (2004), *modified*, Memorandum Opinion and Forfeiture Order, 24 FCC Rcd 2206 (MB 2009) (reducing forfeiture amount after review of submitted federal tax returns demonstrated financial hardship).

²⁰ *PJB Communications of Virginia, Inc.*, Memorandum Opinion and Order, 7 FCC Rcd 2088, 2089, para. 10 (1992).

²¹ *Id.*

²² Petition at 10.

²³ *Zuma Beach FM Emergency and Community Broadcasters, Inc.*, Memorandum Opinion and Order, 34 FCC Rcd 5302, 5304-5, para. 7 (MB 2019).

²⁴ See, e.g., *Valley Air, LLC*, Letter, 24 FCC Rcd 5505 (MB 2009) (*Valley Air*) (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).

²⁵ See, e.g., *Methow Valley Communications District*, Forfeiture Order, 38 FCC Rcd 4262 (MB 2023) (reducing the proposed forfeiture based on the station's history of compliance and fact that the station is a community translator serving rural areas with limited or no over-the-air television service).

²⁶ 47 U.S.C. § 503(b); 47 CFR §§ 0.283, 1.80.

10. 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),²⁷ or by wire transfer. Payments by check or money order to pay a forfeiture are no longer accepted. Notification of payment must be e-mailed to VideoNAL@fcc.gov. Below are instructions that payors should follow based on the form of payment selected:

- 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).²⁸ 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.

11. Requests for full payment of the forfeiture proposed in this *Forfeiture Order* under an installment plan should be sent to: Associate Managing Director-Financial Operations, 45 L Street, NE, Washington, DC 20554.²⁹ 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.

²⁷ Payments made using CORES do not require the submission of an FCC Form 159.

²⁸ Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

²⁹ See 47 CFR § 1.1914.

12. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by First Class and Certified Mail, Return Receipt Requested, to Town of Coulee City, c/o 501 W. Main, P.O. Box 398, Coulee City, Washington 99115, and to its contact representative, Susan Hansen, by e-mail to stcl@comcast.net.

FEDERAL COMMUNICATIONS COMMISSION

David J. Brown
Chief, Video Division
Media Bureau