

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

In the Matter of
Thomas Barnes,
La Grande, Oregon
File No.: EB-FIELDWR-22-00033444
NAL/Acct No.: 202332030001
FRN: 0033398041

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: March 14, 2023

Released: March 15, 2023

By the Commission:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (NAL), we propose a penalty of \$80,000 against Thomas Barnes (Barnes) for operating an unauthorized radio station on 100.5 MHz in La Grande, Oregon. Operating an unauthorized, or pirate, radio station is illegal under the Communications Act of 1934, as amended (Communications Act or Act).1 Pirate radio stations undermine the Commission’s primary mission to manage radio spectrum. Such illegal operations can interfere with licensed communications, including authorized broadcasts and communications by public safety entities. Moreover, such illegal operations pose a danger to the public because they interfere with licensed stations that inform their listeners of important public safety messages, including Emergency Alert System transmissions that provide vital information regarding weather and other dangers to the public.2 Accordingly, Commission enforcement action in this area is essential.

II. BACKGROUND

A. Legal Framework

2. On January 24, 2020, Congress passed the Preventing Illegal Radio Abuse Through Enforcement Act (PIRATE Act) which was subsequently codified as section 511 of the Communications Act.3 Section 511 states that any person who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than \$2,000,000 and not more than \$100,000 for each day during which such offense occurs.4 Section 511 defines pirate radio as “the transmission of communications on spectrum frequencies between 535 and 1705 kilohertz, inclusive, or 87.7 and 108 megahertz, inclusive, without a license issued by the Commission, but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations.”5 Part 15,

1 47 U.S.C. § 511.

2 See Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System, Report and Order, PS Docket No. 15-94, FCC 22-75, para. 3 (rel. Sept. 30, 2022).

3 Preventing Illegal Radio Abuse Through Enforcement Act, Pub. L. 116-109, 134 Stat. 3 (2020) (codified at 47 U.S.C. § 511).

4 47 U.S.C. § 511(a)-(b); see 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at \$2,316,034 and 47 U.S.C. § 511(b) at \$115,802); Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation, Order, DA 22-1356, 2022 WL 18023008, at \*5 (EB Dec. 23, 2022); see also Annual Adjustment of Civil Monetary Penalties to Reflect Inflation, 88 Fed. Reg. 783 (Jan. 5, 2023) (setting January 15, 2023, as the effective date for the increases).

among other requirements, states that unlicensed operators in the FM band must not transmit over a certain power limit.<sup>6</sup> Moreover, under part 15, intentional radiators, such as FM transmitters, must be designed to ensure that no antenna other than that furnished by the responsible party shall be used with the device (*e.g.*, a permanently attached antenna or an antenna that uses a unique coupling to the intentional radiator).<sup>7</sup>

## B. Factual Background

### 1. Pre-PIRATE Act Investigation

3. According to Commission records, Barnes has been operating a pirate radio station in La Grande, Oregon, since at least 2018.<sup>8</sup> On April 3, 2018, the Commission received a complaint regarding a pirate radio operator in eastern Oregon. On April 18, 2018, a field agent (Agent) from the Enforcement Bureau's (Bureau) Portland Field Office (Portland Office) began investigating the complaint and observed what appeared to be an unauthorized broadcast station operating on 92.3 MHz in La Grande, Oregon. Using direction-finding techniques, the Agent determined that the source of the signal of the unauthorized station was located at the former Barnes residence at the Orchard Motel, 2206 Adams Avenue, #8, La Grande, OR (Adams Avenue Site). The Agent measured the strength of the station's signal and determined that the transmissions on 92.3 MHz exceeded the limits for operation under part 15 of the Commission's rules.<sup>9</sup> A review of Commission records reveals that no authorization exists for any FM broadcast station to operate at or near the Adams Avenue Site on any frequency at any time relevant to this NAL. After speaking to Barnes, the Agent identified Barnes as the operator of the station. Barnes then agreed to—and did—voluntarily surrender his transmitter to the Agent. On May 15, 2018, the Portland Office mailed Barnes a Notice of Unlicensed Operation (NOUO) relating to the unauthorized operation that the Agent observed on April 18, 2018.<sup>10</sup> The NOUO notified Barnes that he operated an unauthorized radio station in violation of section 301 of the Act<sup>11</sup> and that he could be subject to severe penalties, including, but not limited to, substantial monetary fines, *in rem* seizure of the offending radio equipment, and criminal sanctions, including imprisonment.<sup>12</sup> Barnes did not respond to the NOUO.

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<sup>5</sup> 47 U.S.C. § 511(h).

<sup>6</sup> 47 CFR § 15.239(b) (stating that the field strength of any emissions in the 88-108 MHz band shall not exceed 250 microvolts/meter at 3 meters).

<sup>7</sup> 47 CFR § 15.203.

<sup>8</sup> Barnes' Facebook account lists him as the Co-owner/CEO of Pirate Radio Eastern Oregon. *See* Barnes, Thomas Eugene (EasternOregonPirate), Facebook, <https://www.facebook.com/EasternOregonPirate> (last visited May 10, 2022). On July 27, 2018, Barnes, referring to himself as the Eastern Oregon Pirate, uploaded the first of several videos to his Facebook account announcing that he was currently operating a pirate station. *See id.* (July 27, 2018), <https://www.facebook.com/EasternOregonPirate/videos/688375931501308> (on file in EB-FIELDWR-18-00026591) (last visited May, 10 2022).

<sup>9</sup> Section 15.239 of the Commission's rules provides that non-licensed broadcasting in the 88-108 MHz band is permitted only if the field strength of the transmission does not exceed 250 microvolts per meter ("µV/m") at three meters. 47 CFR § 15.239(b). Measurements showed that the field strength of the station's signal exceeded the permissible level for a non-licensed part 15 transmitter.

<sup>10</sup> Thomas Eugene Barnes, Notice of Unlicensed Operation (Portland Office, May 15, 2018) (NOUO), <https://www.fcc.gov/document/thomas-eugene-barnes-orchard-motel-la-grande-oregon-97850>.

<sup>11</sup> Prior to the enactment of section 511 of the Act, the Commission assessed forfeitures against pirate radio operators under section 301 of the Act. *See* 47 U.S.C. § 301.

<sup>12</sup> *Id.* The NOUO was mailed by both First Class and Certified mail. The certified mail for the NOUO was returned undelivered.

4. On April 10, 2019, the Commission received a second complaint stating that Barnes was again operating a pirate radio station in La Grande, Oregon. On May 15, 2019, an Agent from the Bureau's Portland Office began investigating the complaint and observed what appeared to be an unauthorized broadcast station operating on 92.3 MHz in La Grande, Oregon. Using direction-finding techniques, the Agent determined that the source of the signal of the unauthorized station was located at the Barnes residence at 2302 Jefferson Avenue, La Grande, Oregon (Jefferson Avenue Site). The Agent measured the strength of the station's signal and determined that the transmissions on 92.3 MHz exceeded the limits for operation under part 15 of the Commission's rules.<sup>13</sup> A review of Commission records reveals that no authorization exists for any FM broadcast station to operate at or near the Jefferson Avenue Site on any frequency at any time relevant to this NAL. The Agent then spoke to Barnes, who agreed to—and did—voluntarily surrender another transmitter to the Agent. On July 12, 2019, the Bureau sent Barnes a second Notice of Unauthorized Operation.<sup>14</sup> The second NOUO again notified Barnes that he was operating an unauthorized radio station in violation of section 301 of the Act and that he could be subject to severe penalties, including, but not limited to, substantial monetary fines, *in rem* seizure of the offending radio equipment, and criminal sanctions, including imprisonment.<sup>15</sup> Barnes did not respond to the second NOUO.

## 2. PIRATE Act Investigation

5. The PIRATE Act, among other provisions, codified the definition of pirate radio,<sup>16</sup> increased fines for pirate radio operators<sup>17</sup> and granted the Commission new enforcement authority to assess forfeitures against any person who permits the operation of pirate radio broadcasting,<sup>18</sup> such as the owners or managers of property whose property is used for pirate radio broadcasting.

6. On March 11, 2022, the Commission received a third complaint that an unauthorized radio station was operating in La Grande, Oregon. On March 22, 2022, an Agent from the Bureau's Portland Office began investigating the complaint and observed what appeared to be an unauthorized broadcast station operating on 100.5 MHz in La Grande, Oregon. Using direction-finding techniques, the Agent determined that the source of the signal of the unauthorized station was located at the Barnes residence at the Jefferson Avenue Site. The Agent measured the strength of the station's signal and determined that the transmissions on 100.5 MHz exceeded the limits for operation under part 15 of the Commission's rules.<sup>19</sup> Barnes' wife, Rebecca Barnes, voluntarily surrendered two transmitters to the Agent. The Agent then issued an on-scene Notice of Unauthorized Operation to Thomas Barnes, which was signed by his wife Rebecca Barnes.<sup>20</sup> The third NOUO notified Barnes that he was operating an unauthorized radio station and that he could be subject to severe penalties.<sup>21</sup>

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<sup>13</sup> See *supra* note 6.

<sup>14</sup> Thomas Barnes, Notice of Unlicensed Operation (Portland Office, July 12, 2019), <https://www.fcc.gov/document/thomas-barnes-la-grande-oregon>.

<sup>15</sup> *Id.* The second NOUO was mailed by both First Class and Certified mail. The certified mail for the second NOUO was returned undelivered.

<sup>16</sup> 47 U.S.C. § 511(h).

<sup>17</sup> 47 U.S.C. § 511(a)-(b).

<sup>18</sup> See 47 U.S.C. § 511(a) (“Any person who willfully and knowingly does or causes *or suffers to be done* any pirate radio broadcasting shall be subject to a fine of not more than \$2,000,000.”) (emphasis added).

<sup>19</sup> See *supra* note 6.

<sup>20</sup> Barnes, Thomas Eugene, Notice of Unlicensed Operation (Portland Office, Mar. 22, 2022) (on file in EB-FIELDWR-22-00033444). The signature of Barnes' wife on the NOUO issued at the scene is indicia that Mr. Barnes operated the pirate radio station.

<sup>21</sup> *Id.*

7. On April 8, 2022, just over two weeks after the Agent issued the third NOUO, Barnes uploaded a video to his public Facebook account stating that he was again operating his pirate station.<sup>22</sup> Barnes stated in this video that he did not think the Commission could stop his unauthorized broadcasts unless it “locked him up.” On April 14, 2022, Barnes posted yet another video stating that he was “getting ready to go live on 100.5 FM.”<sup>23</sup> After conducting additional research, the Agent also discovered that, in the year prior to the start of the 2022 investigation, Barnes had uploaded over 30 videos to his public Facebook account in which he stated that he was the “Eastern Oregon Pirate of Pirate Radio Eastern Oregon” and that he was broadcasting live or was planning to broadcast live on 100.5 FM in La Grande, Oregon.<sup>24</sup>

8. On April 12, 2022, the Commission, pursuant to its new authority granted by the PIRATE Act, sent a Notice of Illegal Pirate Radio Broadcasting (NIPRB) to the owner of the Jefferson Avenue Site where Barnes rents a space and transmits his pirate radio signal.<sup>25</sup> The NIPRB provided notice to the property owner, Kent Coppinger, that, under section 511(a) of the Act, persons or entities found to willfully and knowingly suffer (*i.e.*, permit) a third party to engage in pirate radio broadcasting on their property can face significant financial penalties.<sup>26</sup> Accordingly, the NIPRB notified and warned Coppinger that under the PIRATE Act the FCC may issue a fine of up to \$2,000,000 if the FCC determines that he continued to permit any individual or entity to engage in pirate radio broadcasting from any property that he owned or managed.<sup>27</sup> In response, the owner of the Jefferson Avenue site sent a copy of the NIPRB back to the Portland Office, including a hand-written signed statement by Barnes and his wife dated April 15, 2022.<sup>28</sup> The statement reads “Kent Coppinger, owner of Jefferson RV, has given us a copy of this letter from the FCC and has informed us that we are not allowed to run a radio station from his property and we agree to comply.”<sup>29</sup> On July 22, 2022, the Agent returned to La Grande Oregon. The Agent did not find any evidence that Barnes continued to operate his pirate radio station.

### III. DISCUSSION

9. We find that Thomas Barnes apparently willfully and knowingly violated section 511 of the Act by operating a pirate radio station on 100.5 MHz on March 22, 2022.<sup>30</sup> An Agent observed Barnes’ pirate radio station operating at the Jefferson Avenue Site on March 22, 2022. The Agent also took field strength measurements and determined that the transmissions from the Jefferson Avenue Site on 100.5 MHz exceeded the limits for operation under part 15 of the Commission’s rules.<sup>31</sup> Thus, the

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<sup>22</sup> See Barnes, Thomas Eugene (EasternOregonPirate), Facebook (Apr. 8, 2022), <https://www.facebook.com/EasternOregonPirate/videos/532658584960070> (last visited May 10, 2022) (on file in EB-FIELDWR-22-00033444).

<sup>23</sup> See Barnes, Thomas Eugene (EasternOregonPirate), Facebook (Apr. 14, 2022), <https://www.facebook.com/EasternOregonPirate/videos/357416139762101> (last visited May 10, 2022) (on file in EB-FIELDWR-22-00033444).

<sup>24</sup> See Barnes, Thomas Eugene (EasternOregonPirate), Facebook, [https://www.facebook.com/EasternOregonPirate/videos\\_by](https://www.facebook.com/EasternOregonPirate/videos_by) (last visited May 10, 2022) (on file in EB-FIELDWR-22-00033444).

<sup>25</sup> See *Notice of Illegal Pirate Broadcasting*, Kent and Deanna Coppinger, Property Owners Jefferson RV Park, (Apr. 13, 2022) (NIPRB) (on file in EB-FIELDWR-22-00033444).

<sup>26</sup> See *id.*; 47 U.S.C. § 511.

<sup>27</sup> See NIPRB.

<sup>28</sup> See e-mail from Kent Coppinger, attachment (Apr. 15, 2022) (on file in EB-FIELDWR-22-00033444).

<sup>29</sup> *Id.*

<sup>30</sup> 47 U.S.C. § 511.

<sup>31</sup> 47 CFR §§ 15.209(a), 15.239(b).

Commission finds that Barnes' actions on March 22, 2022 constituted pirate radio broadcasting in apparent violation of section 511 of the Act.<sup>32</sup>

**A. Proposed Forfeiture**

10. Section 511 of the Act authorizes the Commission to impose a forfeiture against any person “who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting.”<sup>33</sup> In exercising our forfeiture authority, we consider 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>34</sup> We may adjust a forfeiture downward for minor violations, good faith or voluntary disclosure, a history of overall compliance, or an inability to pay.<sup>35</sup>

11. Section 511 of the Act and section 1.80 of the Commission's rules authorize enhanced penalties for pirate radio broadcasting.<sup>36</sup> Under these sections, any person who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than \$115,802 for each day during which the offense occurs, but not more than \$2,316,034.<sup>37</sup>

12. Prior to enactment of the PIRATE Act, the Commission imposed a base forfeiture of \$10,000 for operation of a pirate radio station in violation of section 301 of the Act for each violation or each day of a continuing violation.<sup>38</sup> While the PIRATE Act did not set a base forfeiture amount, the primary intent of the PIRATE Act is to increase financial penalties for pirate radio broadcasting.<sup>39</sup> Accordingly, we propose a base forfeiture of \$20,000 for Barnes' apparent willful and knowing violation of section 511 of the Act on March 22, 2022.<sup>40</sup> Moreover, given the particular facts of this case, and consistent with the *Forfeiture Policy Statement*,<sup>41</sup> we conclude that a significant upward adjustment is warranted. First, we find that Barnes' conduct was intentional. Barnes had been warned multiple times since 2018 that his conduct was illegal, but he nonetheless chose to continue to operate without authorization.<sup>42</sup> We also find that Barnes showed an egregious disregard for Commission authority in connection with his pirate radio broadcasts, as exemplified in his April 8, 2022, video announcing his return to his illegal activities and declaring that he would have to be put in jail before he stopped his unauthorized broadcasts.<sup>43</sup> Last, we find that an upward adjustment is warranted based on Barnes

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<sup>32</sup> See 47 U.S.C. § 511.

<sup>33</sup> 47 U.S.C. § 511(a).

<sup>34</sup> 47 CFR § 1.80(b)(10).

<sup>35</sup> *Id.*, Table 4 to paragraph (b)(10).

<sup>36</sup> See 47 U.S.C. § 511(a)-(b); 47 CFR § 1.80 (b)(6); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 22-1356, 2022 WL 18023008, at \*5 (EB Dec. 23, 2022) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at \$2,316,034); see also *Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 88 Fed. Reg. 783 (Jan. 5, 2023) (setting January 15, 2023, as the effective date for the increases).

<sup>37</sup> See *id.*

<sup>38</sup> 47 CFR § 1.80(b).

<sup>39</sup> See S. Rep. No. 116-178, 1 (2019) (“The purpose of S. 1228, the Preventing Illegal Radio Abuse Through Enforcement Act or PIRATE Act, is to increase the financial penalties for pirate radio broadcasting.”).

<sup>40</sup> See 47 U.S.C. § 511. We note that had this been a continuing violation, we would have imposed a \$20,000 base forfeiture for each day of the continuing violation.

<sup>41</sup> See *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines, Report and Order*, 12 FCC Rcd 17087,17101, para. 27 (1997) (Forfeiture Policy Statement), recons. denied, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

<sup>42</sup> See NOUO and second NOUO, *supra*, notes 10 & 14.

repeated prior operation of a pirate radio station, as demonstrated by the documented March 2018 and April 2019 violations of section 301 of the Act, and the more than 30 videos that Barnes has posted since March 2021 documenting his pirate radio broadcasts (post-enactment of the PIRATE Act).<sup>44</sup> Consequently, we propose a \$60,000 upward adjustment for Barnes' apparent violation of section 511 of the Act. In applying the applicable statutory factors, we also consider whether there is any basis for a downward adjustment of the proposed forfeiture. Based on the facts of this case, we find none. After applying section 1.80 of the Commission's rules, and the statutory factors, and consistent with the *Forfeiture Policy Statement* we therefore propose a total monetary forfeiture of \$80,000 for which Barnes is apparently liable.<sup>45</sup>

#### IV. CONCLUSION

13. We have determined that Barnes apparently willfully and knowingly did or caused pirate radio broadcasting in violation of section 511 of the Act. As such, Barnes is apparently liable for a forfeiture of \$80,000.

#### V. ORDERING CLAUSES

14. Accordingly, **IT IS ORDERED** that, pursuant to section 511 of the Communications Act of 1934, as amended, 47 U.S.C. § 511, and section 1.80 of the Commission's rules, 47 CFR § 1.80, Thomas Barnes is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of Eighty Thousand Dollars (\$80,000) for willful and knowing violation of section 511 of the Act.<sup>46</sup>

15. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules, 47 CFR § 1.80, within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, Thomas Barnes **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 16 below.

16. In order for Thomas Barnes to pay the proposed forfeiture, Thomas Barnes shall notify the Office of the Field Director at [field@fcc.gov](mailto:field@fcc.gov) of his intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Upon payment, Thomas Barnes shall send electronic notification of payment to the Office of the Field Director, Enforcement Bureau, Federal Communications Commission, at [field@fcc.gov](mailto:field@fcc.gov) on the date said payment is made. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected.<sup>47</sup>

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<sup>43</sup> See Barnes, Thomas Eugene (EasternOregonPirate), Facebook (Apr. 8, 2022), <https://www.facebook.com/EasternOregonPirate/videos/3166862786920543> (last visited May 10, 2022) (on file in EB-FIELDWR-22-00033444).

<sup>44</sup> See Barnes, Thomas Eugene (EasternOregonPirate), Facebook, [https://www.facebook.com/EasternOregonPirate/videos\\_by](https://www.facebook.com/EasternOregonPirate/videos_by) (last visited May 10, 2022) (on file in EB-FIELDWR-22-00033444).

<sup>45</sup> Any entity that is a "Small Business Concern" as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, "Oversight of Regulatory Enforcement," in addition to other rights set forth herein.

<sup>46</sup> 47 U.S.C. § 511.

<sup>47</sup> For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #1).

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters “FORF”. In addition, a completed Form 159<sup>48</sup> or printed CORES form<sup>49</sup> 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 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, 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>50</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 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. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). 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 CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, 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” 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. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). 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.

17. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20554.<sup>51</sup> Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

18. The written statement seeking reduction or cancellation of the proposed forfeiture, if any, 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>52</sup> The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, N.E., Washington, D.C.

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<sup>48</sup> FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

<sup>49</sup> Information completed using the Commission’s Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

<sup>50</sup> Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

<sup>51</sup> See 47 CFR § 1.1914.

<sup>52</sup> 47 CFR §§ 1.16, 1.80(g)(3).

20554, ATTN: Enforcement Bureau – Office of the Field Director, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to the Office of the Field Director at [field@fcc.gov](mailto:field@fcc.gov).

19. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 C.F.R. § 1.80(b)(10) support that result.

20. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first class mail and certified mail, return receipt requested, to Thomas Barnes at 2302 Jefferson Avenue, La Grande, Oregon 97850.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary