

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

In the Matter of	)	
	)	
Corridor Television, L.L.P.	)	File No.: EB-IHD-22-00033564
	)	NAL/Acct. No.: 202432080009
Licensee of KCWX(TV), Fredericksburg, Texas	)	FRN: 0004994075
	)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: December 23, 2024**Released: January 8, 2025**

By the Commission: Commissioner Simington dissenting.

I. INTRODUCTION

1. We propose a penalty of \$369,190 against Corridor Television, L.L.P. (Corridor) for apparently willfully and repeatedly violating the Federal Communications Commission's (FCC or Commission) Emergency Alert System (EAS) rules. Specifically, we find that Corridor failed to participate as required in three Nationwide Tests of the EAS (formerly known as National Periodic Tests of the EAS)—one time each year in 2018, 2019, and 2021—in apparent violation of section 11.61 of the Commission's rules.¹ We also find that Corridor failed to file 2018 EAS Test Reporting System (ETRS) Form Three in apparent violation of section 11.61(a)(3)(iv)(C) of the Commission's rules.² Finally, we find that Corridor submitted incorrect or misleading information, without a reasonable basis for believing such information to be correct and not misleading, in five ETRS filings subsequent to each Nationwide Test of the EAS in 2018, 2019, and 2021, in apparent violation of section 1.17(a)(2) of the Commission's rules.³

2. The EAS is a national public warning system through which broadcasters, cable systems, and other EAS Participants deliver alerts to the public to warn of impending emergencies and dangers to life and property.⁴ The primary purpose of the EAS is to provide the President of the United States with "the capability to provide immediate communications and information to the general public at the National, State and Local Area levels during periods of national emergency."⁵ Under part 11 of the

¹ 47 CFR § 11.61.

² *Id.* § 11.61(a)(3)(iv)(C).

³ *Id.* § 1.17(a)(2).

⁴ See *Review of the Emergency Alert System; Independent Spanish Broadcasters Association, The Office of Communication of the United Church of Christ, Inc., and the Minority Media and Telecommunications Council, Petition for Immediate Relief*, EB Docket No. 04-296, Fifth Report and Order, 27 FCC Rcd 642, 646, para. 6 (2012) (*Fifth Report and Order*); *Review of the Emergency Alert System*, EB Docket No. 04-296, Notice of Proposed Rulemaking, 19 FCC Rcd 15775, 15776-77, paras. 6-8 (2004). EAS Participants are defined as the entities required to comply with the EAS rules: analog radio broadcast stations, including AM, FM, and Low-power FM stations; digital audio broadcasting stations, including digital AM, FM, and Low-power FM stations; Class A television and Low-power TV stations; digital television broadcast stations, including digital Class A and digital Low-power TV stations; analog cable systems; digital cable systems; wireline video systems; wireless cable systems; direct broadcast satellite service providers; and digital audio radio service providers. See 47 CFR §§ 11.2(b), 11.11(a).

⁵ 47 CFR § 11.1.

Commission's rules, national activation of the EAS for a Presidential alert message, initiated by the transmission of an National Emergency Message (EAN) event code, is designed to provide the President of the United States with the capability to transmit an alert message to the American public within 10 minutes from any location at any time, and must take priority over any other alert message and preempt other alert messages in progress.⁶ The EAS is also used to distribute alerts issued by Tribal, state, local, and territorial governments, as well as by the National Weather Service (NWS) and the Federal Emergency Management Agency (FEMA).⁷ The Commission, FEMA, and the NWS implement the EAS at the federal level.⁸

3. Since 2011, the purpose of the Nationwide Test of the EAS has been to allow FEMA and the FCC to assess how the national EAS architecture performs in practice and to develop and implement any necessary improvements to ensure that the EAS, if activated in a real emergency, will perform as designed.⁹ The Nationwide Test of the EAS requires the transmission of a national EAS alert by FEMA and the receipt and retransmission of the alert by thousands of broadcasters, cable operators, and other

⁶ See *id.*; *Review of the Emergency Alert System*, EB Docket No. 04-296, First Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 18625, 18628, para. 8 (2005); see also 47 CFR §§ 11.33(a)(11), 11.51(m), (n). The EAN was formerly known as the Emergency Action Notification. See, e.g., *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket No. 15-94, Report and Order, 37 FCC Rcd 11844, 11854-56, paras. 31-34 (2022) (2022 EAS R&O); see also *Public Safety and Homeland Security Bureau Announces Effective Date and Compliance Dates for Certain Emergency Alert System (EAS) Rules*, PS Docket No. 15-94, Public Notice, DA 22-1189 (PSHSB 2022) (*Public Safety 2022 Public Notice*). Moreover, the National Periodic Test is now known as the Nationwide Test of the Emergency Alert System. See, e.g., 2022 EAS R&O, 37 FCC Rcd at 11854-56, paras. 31-34, 36; see also *Public Safety 2022 Public Notice*. The EAN begins with the EAS Header Code (three long EAS data bursts), like all other EAS alerts, followed by the EAS attention signal (an 8-second tone), then the President or other authorized Federal official will speak for as long as necessary. There is no time limit to the EAN alert. The EAN will end with the EOM code (three short EAS data bursts). See Fed. Commc'ns Comm'n, *2023 EAS Operating Handbook*, <https://www.fcc.gov/files/eashandbook0123pdf> (last visited Feb 22, 2024); *2021 Emergency Alert System Operating Handbook*, <https://www.fcc.gov/file/21437/download> (last visited Feb. 22, 2024) (collectively EAS Operating Handbooks).

⁷ NWS also administers NOAA Weather Radio. See National Weather Service, *NOAA Weather Radio*, <https://www.weather.gov/nwr/> (last visited Feb. 21, 2024).

⁸ The respective roles of the Commission, FEMA, and NWS are defined in a series of Executive documents. See *1981 State and Local Emergency Broadcasting System (EBS) Memorandum of Understanding Among the Federal Emergency Management Agency (FEMA), Federal Communications Commission (FCC), the National Oceanic and Atmospheric Administration (NOAA), and the National Industry Advisory Committee (NIAC) reprinted as Appendix K to Partnership for Public Warning Report 2004-1, The Emergency Alert System (EAS): An Assessment; Memorandum, Presidential Communications with the General Public During Periods of National Emergency*, The White House (Sept. 15, 1995) (1995 Presidential Statement); and *Public Alert and Warning System*, Exec. Order No. 13407, 71 Fed. Reg. 36975 (June 26, 2006).

⁹ See *Review of the Emergency Alert System*, Third Report and Order, 26 FCC Rcd 1460, 1466 at para. 11 (2011) (*Third EAS Report and Order*) ("The purpose of the test is to assess for the first time the readiness and effectiveness of the EAS from top-to-bottom, i.e., from origination of an alert by the President and transmission through the entire EAS daisy chain, to reception by the American public. Following the conduct and evaluation of the initial national test, it is contemplated that the Commission and its Federal partners will continue to test EAS nationally."). *Public Safety and Homeland Security Bureau Announce That First Ever Nationwide Diagnostic Test of The Emergency Alert System Will Occur on November 9, 2011 at 2 PM EST*, Public Notice, 26 FCC Rcd 8398 (PSHSB 2011) ("The Commission, along with the Federal Emergency Management Agency, will use the results of this test to assess what works within the EAS and what does not and working together with EAS stakeholders will make improvements to the system as appropriate."). *Public Safety and Homeland Security Bureau Seeks Comment Regarding Equipment and Operational Issues Identified Following the First Nationwide Test of the Emergency Alert System*, Public Notice, 28 FCC Rcd 13810, 13811 (PSHSB 2013).

EAS Participants across the United States and its territories.¹⁰ In 2018, FEMA initiated the Nationwide Test of the EAS by providing a Common Alerting Protocol-formatted alert on its Internet-based feed for its Integrated Public Alert Warning System (IPAWS).¹¹ Each EAS Participant was then to receive the alert either directly from IPAWS by polling the IPAWS Internet feed, or via a re-broadcast of the alert by the source that it monitors in the EAS “daisy chain.”¹² In 2019 and 2021, FEMA initiated Nationwide Tests of the EAS by sending alerts that were encoded in the Specific Area Message Encoding (SAME) protocol through the EAS daisy chain end-to-end, starting with transmission to the stations that make up the National Public Warning System (NPWS), also known as Primary Entry Point (PEP) stations, over a secure telephone connection.¹³

4. In this Notice of Apparent Liability for Forfeiture, we find that Corridor apparently willfully and repeatedly violated section 11.61(a)(3)(i) of the Commission’s rules¹⁴ on October 3, 2018, August 7, 2019, and August 11, 2021, when it failed to participate as required in three Nationwide Tests of the EAS. In addition, Corridor apparently violated section 11.61(a)(3)(iv)(C) of the Commission’s rules in 2018 when it failed to file ETRS Form Three within 45 days following the 2018 Nationwide Test of the EAS.¹⁵ We also find that Corridor apparently willfully and repeatedly violated section 1.17(a)(2) of the Commission’s rules¹⁶ on October 3, 2018, August 7, 2019, September 10, 2019, August 11, 2021, and August 12, 2021, when it submitted incorrect or misleading information in five ETRS filings following each Nationwide Test of the EAS.¹⁷

A. Legal Framework

5. Pursuant to section 503(b)(1) of the Communications Act of 1934, as amended (Act), any person who is determined by the Commission 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.¹⁸ Section 312(f)(1) of the Act defines willful as “the conscious and

¹⁰ See *Third EAS Report and Order*, 26 FCC Rcd 1460, 1466 at para. 11; 47 CFR § 11.61(a)(3).

¹¹ FCC, *Report: October 3, 2018 Nationwide WEA and EAS Test* at 8 (PSHSB 2019), <https://docs.fcc.gov/public/attachments/DOC-356902A1.pdf>. CAP is an open, interoperable standard developed by the Organization for the Advancement of Structured Information Standards (OASIS), and incorporates a language developed and widely used for web documents. See 47 CFR § 11.56; see also *Fifth Report and Order*, 27 FCC Rcd at 648-49, paras. 10-11.

¹² Alerts can be transmitted through a broadcast-based hierarchical alert message distribution system in which an alert is broadcast from one or more EAS Participants, and subsequently relayed from one station to another until all affected EAS Participants have received the alert and delivered it to the public. This process of EAS alert distribution among EAS Participants is often referred as the “daisy chain” distribution architecture.

¹³ See FCC, *Report: August 7, 2019 Nationwide EAS Test* at 5 (PSHSB 2020); FCC, *Report: August 11, 2021 Nationwide EAS Test* at 5 (PSHSB 2021). The NPWS consists of private or commercial radio broadcast stations that cooperatively participate with FEMA to provide emergency alert and warning information to the public prior to, during, and after incidents and disasters. See 47 CFR § 11.18(a). These stations also serve as the primary source of initial broadcast for the National EAS message.

¹⁴ See 47 CFR § 11.61(a)(3)(i).

¹⁵ *Id.* § 11.61(a)(3)(iv)(C). Commission ETRS records indicate that Corridor did not file its required ETRS Form Three in response to the 2018 Nationwide Test of the EAS.

¹⁶ *Id.* § 1.17(a)(2).

¹⁷ See Corridor Television 2018 ETRS Form Two (filed Oct. 3, 2018); Corridor Television 2019 ETRS Form Two (filed Aug. 7, 2019); Corridor Television 2019 ETRS Form Three (filed Sept. 10, 2019); Corridor Television 2021 ETRS Form Two (filed Aug. 11, 2021); Corridor Television 2021 ETRS Form Three (filed Aug. 12, 2021). Corridor did not file a required 2018 ETRS Form Three.

¹⁸ 47 U.S.C. § 503(b)(1)(B); see also 47 CFR § 1.80(a)(2).

deliberate commission or omission of such act, irrespective of any intent to violate” the law.¹⁹ 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,²⁰ and the Commission has so interpreted the term in the section 503(b) context.²¹ Section 312(f)(2) of the Act defines “repeated” as “the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day.”²² In order to impose such a penalty, the Commission must issue a notice of apparent liability, the notice must be received, and the person against whom the notice has been issued must have an opportunity to show, in writing, why no such penalty should be imposed.²³ The Commission will then issue a forfeiture if it finds, by a preponderance of the evidence, that the person has willfully or repeatedly violated the Act or a Commission rule.²⁴

6. Section 11.61 of the Commission’s rules requires all EAS Participants to conduct tests at regular intervals and sets forth procedures related to those tests. Section 11.61(a)(3)(i) specifically sets forth requirements for national tests and provides that such tests:

will consist of the delivery by FEMA to PEP/NP [National Primary] stations of a coded EAS message, including EAS header codes, Attention Signal, Test Script, and EOM [End of Message] code. All other EAS Participants will then be required to relay that EAS message. The coded message shall utilize EAS test codes as designated by the Commission’s rules.²⁵

7. In addition, section 11.61(a)(3)(iv) requires EAS Participants to submit the national test results to the EAS Test Reporting System (ETRS) as determined by the Commission’s Public Safety and Homeland Security Bureau.²⁶ When submitting the national test results, EAS Participants must comply with the following requirements:

(A) EAS Participants shall provide the identifying information required by the ETRS initially no later than sixty days after the publication in the Federal Register of a notice announcing the approval by the Office of Management and Budget of the modified information collection requirements under the Paperwork Reduction Act of 1995 and an effective date of the rule amendment, or within sixty days of the launch of the ETRS, whichever is later, and shall renew this identifying information on a yearly basis or as required by any revision of the EAS Participant’s State EAS Plan filed pursuant to § 11.21. [ETRS Form One]

(B) “Day of test” data shall be filed in the ETRS within 24 hours of any nationwide test or as otherwise required by the Public Safety and Homeland Security Bureau. [ETRS Form Two]

¹⁹ 47 U.S.C. § 312(f)(1).

²⁰ H.R. Rep. No. 97-765, 97th Cong. 2d Sess. 51 (1982) (“This provision [inserted in section 312] defines the terms ‘willful’ and ‘repeated’ for purposes of section 312, and for any other relevant section of the act (e.g., [s]ection 503) As defined[,] . . . ‘willful’ means that the licensee knew that he was doing the act in question, regardless of whether there was an intent to violate the law. ‘Repeated’ means more than once, or where the act is continuous, for more than one day. Whether an act is considered to be ‘continuous’ would depend upon the circumstances in each case. The definitions are intended primarily to clarify the language in [s]ections 312 and 503, and are consistent with the Commission’s application of those terms . . .”).

²¹ See, e.g., *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388, para. 5 (1991), *recons. denied*, 7 FCC Rcd 3454 (1992).

²² 47 U.S.C. § 312(f)(2).

²³ *Id.* § 503(b)(4); 47 CFR § 1.80(g).

²⁴ See, e.g., *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591, para. 4 (2002) (forfeiture paid).

²⁵ *Id.* § 11.61(a)(3)(i).

²⁶ *Id.* § 11.61(a)(3)(iv).

(C) Detailed post-test data shall be filed in the ETRS within forty five (45) days following any nationwide test.²⁷ [ETRS Form Three]

8. Section 1.17 of the Commission's rules provides that in any investigatory or adjudicatory matter, any person subject to the rule must provide truthful and accurate information in all interactions with the Commission.²⁸ Section 1.17(a)(2) further provides that no person subject to the rule shall,

[i]n any written statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.²⁹

The Commission has stated that information provided under section 1.17 is "critical to the Commission's process" and "is even more important when matters of public safety are at stake."³⁰

9. In addition to the clearly stated rules, the Commission issued a series of public notices prior to each Nationwide Test of the EAS to remind EAS Participants of their legal obligations to participate in the tests and to clarify technical requirements: a July 2018 EAS Public Notice encouraged EAS Participants to prepare for the 2018 Nationwide Test of the EAS, review the EAS Operating Handbook, ensure that EAS equipment could receive and process the Nationwide Test code, upgrade EAS equipment and software to then-most recent versions, and review related ETRS filings among other suggested activities;³¹ an August 2018 EAS Public Notice reminded EAS Participants of the 2018 test dates and ETRS filing requirements, offered guidance related to the 2018 Nationwide Test process, and provided clarification that the appropriate EAS test message would be disseminated over the Internet via IPAWS noting specific technical details related to the format of the video script and compliance with section 11.51 of the Commission's rules;³² and a June 2019 Public Notice informed EAS Participants that the 2019 Nationwide Test of the EAS would only be disseminated "using a hierarchical, broadcast-based distribution system, otherwise known as the 'daisy chain'"³³ and reminded EAS Participants to review the

²⁷ *Id.* § 11.61(a)(3)(iv). The corresponding ETRS form to subsection (A) is ETRS Form 1; (B) is ETRS Form Two and (C) is ETRS Form Three.

²⁸ *Id.* § 1.17. "Persons who are subject to this rule" include "[a]ny applicant for any Commission authorization" and "[a]ny holder of any Commission authorization, whether by application or by blanket authorization or other rule." *Id.* § 1.17(b)(1), (2).

²⁹ *Id.* § 1.17(a)(2).

³⁰ *Aura Holdings of Wisconsin, Inc.*, Notice of Apparent Liability for Forfeiture, 33 FCC Rcd 3688, 3688, para. 2 (2018) (*Aura Holdings*) (proposing the statutory maximum penalty of \$235,668 for willful and repeated failure to provide truthful and accurate information to the Commission), *forfeiture order issued*, 34 FCC Rcd 2540 (2019) (upholding \$235,688 penalty).

³¹ *See, e.g., Public Safety and Homeland Security Bureau Announces Nationwide Tests of the Wireless Emergency Alert and Emergency Alert Systems on September 20, 2018*, Public Notice, 33 FCC Rcd 6825 (PSHSB 2018) (July 2018 EAS Public Notice).

³² *See Public Safety and Homeland Security Bureau Reminds EAS Participants of Upcoming Dates and Deadlines Related to the Nationwide EAS Test*, Public Notice, 33 FCC Rcd 8230 (PSHSB 2018) (August 2018 EAS Public Notice) ("Each EAS Participant, whether broadcaster, cable provider or other, needs to ensure that its equipment — whether EAS equipment, character generator, or other—is prepared to deliver the alert in a manner consistent with these Commission rules.").

³³ *See Public Safety and Homeland Security Bureau Announces Nationwide Tests of the Wireless Emergency Alert and Emergency Alert Systems on August 7, 2019*, Public Notice, 34 FCC Rcd 4347 (PSHSB 2019) (June 2019 EAS Public Notice); *see also Review of the Emergency Alert System*, EB Docket No. 04-296, Sixth Report and Order, 30 FCC Rcd 6520, 6522-23, paras. 4-6 (2015) (*Sixth Report and Order*) (describing EAS architecture). The

(continued....)

EAS Operating Handbook and ensure that EAS equipment can “receive and process the NPT code.”³⁴ In July 2019, the Commission issued another public notice reminding EAS Participants of upcoming dates and deadlines for the 2019 Nationwide Test of the EAS.³⁵

10. In January 2021, the Commission issued an Enforcement Advisory reminding EAS Participants of their compliance obligations with that year’s upcoming Nationwide Test of the EAS.³⁶ Included in that Enforcement Advisory were reminders to EAS Participants to ensure that their EAS’s equipment’s monitoring and transmitting functions were available whenever the stations and systems are operating; that they must transmit national level EAS messages, required monthly tests, and required weekly tests; that “[a]n EAS Participant’s failure to receive or transmit an EAS message during a national test or actual emergency because of an equipment failure may subject the EAS Participant to enforcement;”³⁷ and that “[a]n EAS Participant’s failure to transmit an EAS message during a national test or actual emergency, e.g., based on the configuration of its equipment, lack of redundant monitoring sources, or an accurate understanding of its role as an EAS Participant, may subject the EAS Participant to enforcement.”³⁸ Further, consistent with past precedent,³⁹ the Enforcement Advisory cautioned that failure to comply with the Commission’s EAS rules may subject EAS Participants to enforcement and sanctions and that the Enforcement Bureau may treat each failure to either transmit EAS messages, file EAS test information, or file accurate information as a separate violation for purposes of calculating proposed forfeiture amounts.⁴⁰

B. Factual Background

11. Corridor is wholly owned by Global Information Technologies, Inc., a privately held company based in Texas, which is wholly owned by Saleem Tawil and Carmen Tawil.⁴¹ On August 17, 2021, the Commission received a Complaint concerning station KCWX(TV) (Station) in Fredericksburg, Texas, licensed to Corridor.⁴² The Complaint alleges, *inter alia*, that from 2018-2021, the Station

Commission’s rules require EAS Participants to be able to receive alerts from both IPAWS and the broadcast-based EAS structure. *See id.*; 47 CFR §§ 11.51(d), 11.56(a).

³⁴ *See* June 2019 EAS Public Notice, 34 FCC Rcd at 4348.

³⁵ *See Public Safety and Homeland Security Bureau Reminds EAS Participants of Upcoming Dates and Deadlines for 2019 Nationwide EAS Test*, Public Notice, 34 FCC Rcd 5210 (PSHSB 2019) (July 2019 EAS Public Notice) (highlighting that the EAS message “will only be disseminated using a hierarchical, broadcast-based distribution system, otherwise known as the ‘daisy chain’”).

³⁶ *See FCC Enforcement Advisory: Enforcement Bureau Reminds Emergency Alert System (EAS) Participants of Compliance Obligations*, Public Notice, 36 FCC Rcd 44 (EB 2021) (January 2021 EAS Public Notice).

³⁷ *Id.* at 45.

³⁸ *Id.*

³⁹ *See, e.g., Westel, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 38 FCC Rcd 6823, para. 24 (2023) (*Westel NAL*) (applying a significant upward adjustment—up to the statutory maximum forfeiture—for failure to file timely or accurate worksheets), citing *PTT Phone Cards, Inc.*, Forfeiture Order, 30 FCC Rcd 14701, 14707, para. 19 (2015); *ADMA Telecom, Inc.*, Forfeiture Order, 26 FCC Rcd 4152, 4155, 4162, paras. 9, 28 (2011); and *Globcom, Inc.*, Order of Forfeiture, 21 FCC Rcd 4710, 4720-21, 4727, paras. 26-28, 31, 45 (2006)); *Fox Corporation d/b/a Fox Television Stations, LLC et al.*, Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 777, 784, at para. 16 (2023) (*Fox Corporation NAL*) (calculating forfeiture based upon number of times each of 18 television broadcast stations improperly broadcast EAS tones) (forfeiture paid).

⁴⁰ January 2021 EAS Public Notice, 36 FCC Rcd at 47.

⁴¹ *See Commercial Broadcast Stations Biennial Ownership Report*, FCC Form 323, filed for Global Information Technologies, Inc. (File No. 0000164678) (Oct. 25, 2021); *Commercial Broadcast Stations Biennial Ownership Report*, FCC Form 323, filed for Corridor Television, L.L.P. (File No. 0000164677) (Oct. 25, 2021).

⁴² *See* Complaint filed by Raymie Humbert and Brandon Polk, No. 3926 (Aug. 17, 2021); related letter Complaint (Aug. 16, 2021) (collectively, Complaint).

misrepresented its handling and deployment of three Nationwide Tests of the EAS, and violated multiple Commission rules, including section 11.61(a)(3)(i), which requires all EAS Participants to participate in Nationwide Tests of the EAS and Wireless Emergency Alert (WEA)⁴³ and section 11.45(a) which prohibits false or deceptive EAS transmissions.⁴⁴ The Complaint further alleges that Corridor “may have engaged in a pattern of misrepresentation to the Commission” in Corridor’s filings in the ETRS, as required by section 11.61(a)(3)(iv) of the Commission’s rules.⁴⁵

12. Specifically, with respect to section 11.61(a)(3)(i), the Complaint alleges that for each Nationwide Test of the EAS that occurred on October 3, 2018, August 7, 2019, and August 11, 2021, the Station did not conduct a “live” reception of the test using the correct FEMA-generated EAN and SAME header codes, but instead, used substitute, mismatched or incorrect SAME headers.⁴⁶ In addition, the Complaint alleges that Corridor used incorrect and outdated test script audio, incorrect activation codes, and “fake” crawls⁴⁷ in lieu of FCC and FEMA required technical formats.⁴⁸

13. Regarding section 11.45(a), the Complaint alleges that by improperly participating in the 2018, 2019 and 2021 Nationwide Tests of the EAS, Corridor “simulated three national authorized tests instead of participating in them.”⁴⁹

14. On September 14, 2022, the FCC’s Enforcement Bureau issued a Letter of Inquiry (LOI) to Corridor,⁵⁰ which Corridor responded to on October 14, 2022.⁵¹ With respect to the alleged violations of section 11.61(a)(3)(i), Corridor admitted that it did not transmit the correct SAME Headers, test script audio, activation codes, and crawls in the 2018 and 2019 Nationwide Tests of the EAS, and did not use the correct SAME Header in the 2021 Nationwide Test of the EAS, as required by section 11.61(a)(3)(i), because its staff did not know how to, but, instead, substituted and transmitted prior years’ EAS Tones that it had gathered from the Internet.⁵² With respect to alleged violations of section 11.45(a), Corridor asserts that it did not violate section 11.45(a) because the Station transmitted the EAS Tones during a

⁴³ See Complaint at 4-5. The Complaint also alleges that Corridor violated section 11.35(a), which requires EAS participants to have functioning equipment at their stations. See *id.*; 47 CFR §§ 11.35(a). The Complaint alleges that Corridor installed improper EAS equipment, which contributed to its failure to participate as required in the National Test of the EAS, noting that “KCWX generally does not activate its EAS for situations where other broadcast outlets in the San Antonio area do.” Complaint at 4. In the course of our investigation, Corridor provided evidence that in 2018, 2019, and 2021, it had EAS equipment installed at the Station, which met the operational readiness requirements of section 11.35(a); however Corridor admits that Station staff did not operate the equipment properly “due to inexperience and lack of knowledge regarding the technical requirements governing EAS tests” See Letter from Burt A. Braverman, Esq., Counsel for Corridor Television, L.L.P., to Marlene H. Dortch, Secretary, Fed. Comm’n Comm’n, at 1, 4, 6, 8 (Oct. 14, 2022) (on file in EB-IHD-22-00033564) (Response). Therefore, we hereby dismiss the elements of the Complaint related to section 11.35(a).

⁴⁴ See Complaint at 4-5; 47 CFR § 11.45(a).

⁴⁵ See Complaint at 5.

⁴⁶ See *id.* at 2-4.

⁴⁷ A “crawl” is “text that advances very slowly across the bottom or top of the screen.” *Review of the Emergency Alert System*, First Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 18625, 18657 n.222 (2005).

⁴⁸ See Complaint at 2-4.

⁴⁹ See *id.* at 4-5.

⁵⁰ See Letter from Christopher J. Sova, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to Ms. Carmen A. Tawil, Managing Partner, Corridor Television, LLP (Sept. 14, 2022) (on file in EB-IHD-22-00033564).

⁵¹ See Response, *supra* note 43.

⁵² See *id.* at 4-8.

Permitted Use, e.g., Nationwide Test of the EAS pursuant to section 11.61, which is an exception to 11.45(a).⁵³ Regarding the Complainant's allegations that Corridor may have engaged in a pattern of misrepresentation with respect to Corridor's filings in the ETRS, the Commission reviewed Corridor's 2018, 2019, and 2021 ETRS filings, each which certified, among other requirements, that "the information [Corridor] . . . provided on this form and the attachments is true and accurate Failure to ensure the accuracy of information filed with the Commission may result in enforcement action."⁵⁴

II. DISCUSSION

A. Corridor Failed to Participate in Three Nationwide Tests of the EAS as Required by Section 11.61(a)(3)(i)

15. We find that Corridor apparently willfully and repeatedly violated section 11.61(a)(3)(i) of the Commission's rules. Corridor failed to participate as required in three Nationwide Tests of the EAS, in 2018, 2019, and 2021, by failing to relay the FEMA-delivered coded EAS message for those tests as required under Commission rules. Corridor admitted that it violated section 11.61(a)(3)(i) with regard to various technical elements of the Nationwide Tests of the EAS in 2018, 2019, and in 2021 as follows:

- a. Corridor admitted that during the 2018 Nationwide Test of the EAS, it (i) failed to use the required FEMA-initiated SAME header; (ii) failed to use proper test script audio; (iii) used incorrect activation codes; and (iv) used an improper crawl.
- b. Corridor admitted that during the 2019 Nationwide Test of the EAS, it (i) failed to use the required FEMA-initiated SAME header; (ii) failed to use proper test script audio; (iii) used incorrect activation codes; and (iv) used an improper crawl.
- c. Corridor admitted that during the 2021 Nationwide Test of the EAS, it (i) failed to use the required FEMA-initiated SAME header; and (ii) used incorrect activation codes.⁵⁵

16. Although the Commission has emphasized that EAS Participants should never originate versions of the EAN/NPT during the Nationwide Test of the EAS,⁵⁶ Corridor admitted that in 2018, it

⁵³ See *id.* at 11. The Commission reviewed the allegations and record evidence related to Corridor's alleged violations of 11.45(a). The Commission hereby provides notice that, for purposes of section 11.45(a), an EAS Participant's transmission of an alert will not be considered to be part of an "authorized test" if that transmission does not comply with or is not properly conducted pursuant to the Commission's rules. Examples of conduct that would violate section 11.45(a) include an EAS Participant transmitting EAS codes from a prior emergency or test, or independently creating and transmitting its own EAS codes, instead of (or in addition to) transmitting the alert that originated from the initiator of that specific test. EAS codes include information as to the date and time when an alert was initially released by the originator, and the Commission may use this and other characteristics of the alert to determine whether the transmission was authorized. Although we decline to assess a penalty for apparent violation of section 11.45(a) in this case, we give notice that going forward, if an EAS Participant transmits EAS Tones in connection with its conduct of a test that is not in compliance with EAS testing protocols under section 11.61, such transmission may under the circumstances result in a separate violation and accompanying forfeiture under 11.45(a).

⁵⁴ See, e.g., Corridor Television ETRS Form Three – Detailed Test Reporting, Test Record ETRS10139707, filed on Sept. 27, 2021. In its 2021 ETRS Form Three, Corridor certified that it received the EAS test message from a source station, listed the date and time of the receipt of first message, and certified that there were "no complications with receipt." Corridor further certified that it retransmitted the test message to the public, including the date and time of the retransmission, and certified that there were "no complications with retransmission." *Id.*

⁵⁵ See Response, *supra* note 43, at 4-11.

⁵⁶ See, e.g., EAS Operating Handbooks, *supra* note 6; see also Fed. Comm'n's Comm'n, 2017 EAS Operating Handbook, <https://www.fcc.gov/file/12715/download> (last visited Sept. 3, 2024) ("If the NPT test does not run, NEVER try to originate one yourself. Instead, note in detail what happened and report the issue to the individual responsible for EAS operations at this facility."). The Commission has issued the EAS Operating Handbook to help EAS Participant personnel handle EAS messages and tests by outlining operational procedures reflective of the

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created EAS segments relying on a previous year's test, and that in 2019 and 2021, it downloaded EAS headers, test script audio, crawls, and activation codes from the Internet to create its own test segment.⁵⁷

17. Corridor further asserted that it did not intend to violate section 11.61(a)(3)(i) by explaining that “any failure to transmit the correct text, headers, codes or crawls . . . was due solely to the Station’s small operations staff’s inexperience and lack of knowledge regarding the technical requirements governing the EAS tests, and certain circumstances that contributed to the Station’s alleged EAS omissions.”⁵⁸ Corridor stated that the Station was managed by inexperienced staff in 2018 due to personnel turnover following a technical server failure earlier that year.⁵⁹ According to Corridor, the manager in 2018 “believed he had performed the [2018] test correctly . . . [and] he prepared an alert to use ahead of time because he did not know how to receive and save the alert for playback, and did not realize that alerts are unique to each test.”⁶⁰ Corridor stated that thereafter in 2019 and 2021, staff continued to employ incorrect procedures, not realizing they were out of compliance with section 11.61 of the Commission’s rules.⁶¹ Corridor claimed that it made a “good faith effort” to comply with its EAS obligations and thought it had done so.⁶²

18. It is long held Commission precedent that a licensee is responsible for the actions of its employees, and that a licensee is not excused for violation due to staff error or deception.⁶³ We do not find that wishful thinking on the part of Corridor’s staff constitutes a ‘good faith’ effort to comply with our EAS rules. Corridor’s noncompliance over multiple years based on its staff’s claimed ignorance of the law shows minimal effort on the Station’s part and hardly constitutes a ‘good faith effort’ to comply with its EAS obligations. Therefore, based on Corridor’s admissions and our review of the facts and circumstances of this case, we find that Corridor apparently violated section 11.61 of the Commission’s rules by failing to participate as required in the 2018, 2019, and 2021 Nationwide Tests of the EAS. We therefore find that Corridor apparently willfully and repeatedly violated section 11.61(a)(3)(i) of the Commission’s rules.

requirements found in part 11 of the Commission’s rules, and stating in summary form the actions to be taken by personnel at EAS Participant facilities upon receipt of a National-level EAS Alert, Required National, Monthly and Weekly test, and/or State and Local Area alert.

⁵⁷ See Response, *supra* note 43, at 4-10. For the 2018 National Periodic Test source, the LOI Response states that “[l]icensee’s Operation Staff created an EAS segment relying upon a recording of a test run by the Station in a prior year.” *Id.* For the 2019 national test, the LOI Response states that the Licensee downloaded EAS headers, test script audio, crawl, activation codes, from the Internet, “believing that this was sufficient under the regulations.” *Id.* For the 2021 national test, the LOI Response states that the Licensee’s operations staff created and transmitted an EAS test header downloaded from the Internet and a script provided by the Texas Association of Broadcasters. See *id.*

⁵⁸ Response, *supra* note 43, at 1.

⁵⁹ See *id.* at 2.

⁶⁰ *Id.*

⁶¹ See *id.*

⁶² See *id.*

⁶³ 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); *CBS Radio Holdings, Inc.*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 10099, 10103, para. 9 (2012) (forfeiture paid) (“It is well-established that a licensee is responsible for its employee’s actions.”); *Triad Broadcasting, Inc.*, Memorandum Opinion and Order, 96 FCC 2d 1235, 1242, para. 16 (1984) (holding that “[a] licensee will not be excused for violation because he may have been deceived by an employee since licensees are responsible for acts of their employees”).

B. Corridor Failed to File a 2018 Required ETRS Report

19. During the course of our investigation, we discovered that Corridor did not file a required 2018 ETRS Form Three report subsequent to the 2018 Nationwide Test of the EAS. The Commission relies upon accurate ETRS data to determine the success of each nationwide EAS test, track performance of each year's test as compared to previous years, monitor problems or technical glitches, and track trends amongst participation.⁶⁴ Corridor's failure to file its required 2018 ETRS Report therefore skewed the accuracy of such reports. Therefore we also find that Corridor apparently violated section 11.61(a)(3)(iv)(C) of the Commission's rules.⁶⁵

C. Corridor Provided Incorrect or Misleading Information to the Commission in its 2018, 2019 and 2021 ETRS Reports

20. During our review of Corridor's ETRS filings, Commission staff uncovered that in each of the required five ETRS forms Corridor filed following its 2018, 2019 and 2021 Nationwide Tests of the EAS, Corridor apparently falsely certified as true that it properly received and retransmitted each FEMA-initiated EAS test message from an identified monitoring station, falsely certified that there were no complications with receipt or retransmission of the EAS test message, and falsely certified that the information in its ETRS filings was "true and accurate."⁶⁶ In fact, as demonstrated below, such information submitted to ETRS by Corridor was not consistent with how it actually—improperly—participated in each National Periodic Test of the EAS in 2018, 2019, and 2021.

1. Corridor's Incorrect or Misleading Information in ETRS 2018, 2019, and 2021 Form Two Reports

21. In each of Corridor's ETRS Form Two reports filed in 2018, 2019, and 2021, Corridor responded "[y]es" to the question, "[d]id this facility receive the EAS test message?"⁶⁷ Moreover, in its Response, Corridor stated that, in its view, it received the alerts because it actively sought out and created new unauthorized alerts based on resources they found on the Internet.⁶⁸ Corridor's responses are apparently incorrect or misleading; the alert Corridor created is not the test alert that the ETRS Form Two question inquired about. Corridor's interpretation of the word "receive" is unreasonable and inconsistent with the ordinary meaning of "receive," as it is used on the ETRS Forms and throughout part II of the Commission's rules.⁶⁹ Corridor did not "receive" the EAS test message in question because, in this case, it created its own alert.

⁶⁴ See, e.g., *Public Safety and Homeland Security Bureau Releases Its Initial Findings Regarding the 2018 Nationwide Tests of Wireless Emergency Alerts and the Emergency Alert System*, Public Notice, PS Docket Nos. 15-91, 15-94, DA 18-1294 (PSSHB 2018).

⁶⁵ 47 CFR § 11.61(a)(3)(iv)(C). Corridor did not provide its 2018 ETRS Form Three in its Response, and Commission ETRS records confirm that Corridor did not file a 2018 ETRS Form Three, as required, within the 45-day window allotted to ETRS reporting pursuant to section 11.61(a)(3)(iv)(C).

⁶⁶ See Corridor Television 2018 ETRS Form Two (filed Oct. 3, 2018); Corridor Television 2019 ETRS Form Two (filed Aug. 7, 2019); Corridor Television 2021 ETRS Form Two (filed Aug. 11, 2021); Corridor Television 2019 ETRS Form Three (filed Sept. 10, 2019); and Corridor Television 2021 ETRS Form Three (filed Aug. 12, 2021). Corridor did not file a required 2018 ETRS Form Three.

⁶⁷ See Corridor Television 2018 ETRS Form Two (filed Oct. 3, 2018); Corridor Television 2019 ETRS Form Two (filed Aug. 7, 2019); Corridor Television 2021 ETRS Form Two (filed Aug. 11, 2021).

⁶⁸ See Response, *supra* note 43, at 4-8.

⁶⁹ See 47 CFR § 11.33(a)(1) (stating that EAS decoders must have the capability to receive audio input from EAS monitoring assignments); 47 CFR § 11.52(d); see also Merriam-Webster Dictionary, *Receive*, <http://www.merriam-webster.com/dictionary/receive> (last visited Aug. 18, 2024) (defining "receive" as "to come into possession of; acquire").

22. Additionally, in each of Corridor’s ETRS Form Two reports filed in 2018, 2019, and 2021, Corridor responded “[y]es” to the question, “[d]id this facility retransmit the EAS test message to the public?”⁷⁰ However, this response is incorrect or misleading as Corridor did not transmit the EAS test alert for any of the years at issue. Instead, Corridor substituted its own alert.⁷¹

2. Corridor’s Incorrect or Misleading Statements in 2019 and 2021 ETRS Form Three Reports

23. In Corridor’s 2019 ETRS Form Three, the Commission asked, “[f]rom which source(s) did this facility receive the EAS test message?” Corridor answered, “KLBJ and IPAWS.”⁷² However, this answer is incorrect or misleading, as Corridor did not receive the alert from KLBJ; instead Corridor admitted to creating an alert from materials it downloaded from the Internet.⁷³ Moreover, Corridor could not have received an alert from IPAWS in 2019, because the Nationwide Test of the EAS alert was not transmitted via IPAWS in 2019; it was transmitted solely over-the-air via the EAS “daisy chain.”⁷⁴

24. Additionally, in its 2019 ETRS Form Three, Corridor apparently provided incorrect or misleading information about the sources of the signal, as well as the date and time of receipt of the EAS test message.⁷⁵ The 2019 ETRS Form Three asks Corridor to check a box indicating whether there were “complications with receipt” and Corridor checked the box indicating there were no complications.⁷⁶ In fact, Corridor did not successfully receive the 2019 test message, but instead created its own unauthorized alert.⁷⁷ The 2019 ETRS Form Three also asks for the date and time of retransmission, which Corridor answered incorrectly.⁷⁸ In its Response, Corridor concedes that it did not retransmit the 2019 Nationwide Test message, only the unauthorized alert that Corridor itself created.⁷⁹ The 2019 ETRS Form Three also asks Corridor to check a box to indicate whether there were “complications with retransmission” and, again, Corridor checked the box indicating there were no complications.⁸⁰ In its Response, however, Corridor concedes that the alert was not successfully retransmitted as Corridor created its own alert.⁸¹ Corridor makes nearly identical incorrect or misleading statements in its 2021 ETRS Form Three report.⁸²

3. The Commission Relies on Accurate and Truthful ETRS Reporting

25. Following each Nationwide Test of the EAS, the Commission released a test results report based on EAS Participants’ ETRS filings, and which included analysis of the number of EAS Participants that successfully received and transmitted the alert and analyzed the most commonly reported

⁷⁰ See Corridor Television 2018 ETRS Form Two (filed Oct. 3, 2018); Corridor Television 2019 ETRS Form Two (filed Aug. 7, 2019); Corridor Television 2021 ETRS Form Two (filed Aug. 11, 2021).

⁷¹ See Response, *supra* note 43, at 4-8.

⁷² See Corridor Television 2019 ETRS Form Three (filed Sept. 10, 2019).

⁷³ See Response, *supra* note 43, at 4-8.

⁷⁴ See June 2019 EAS Public Notice, *supra* note 33.

⁷⁵ See Corridor Television 2019 ETRS Form Three (filed Sept. 10, 2019).

⁷⁶ See *id.*

⁷⁷ See Response, *supra* note 43, at 4-8.

⁷⁸ See Corridor Television 2019 ETRS Form Three (filed Sept. 10, 2019).

⁷⁹ See Response, *supra* note 43, at 4-8.

⁸⁰ See Corridor Television 2019 ETRS Form Three (filed Sept. 10, 2019).

⁸¹ See Response, *supra* note 43, at 4-8.

⁸² See Corridor Television 2021 ETRS Form Three (filed Aug. 12, 2021).

complications.⁸³ Results were used to evaluate whether the Nationwide Test of the EAS was successful, as well as what efforts the Commission and other alerting stakeholders should engage in to further strengthen the EAS.⁸⁴ Corridor’s incorrect or misleading statements related to its test participation and performance were included in such reports following the 2018, 2019, and 2021 Nationwide Tests of the EAS. Accordingly, Corridor’s inaccurate reporting of its participation and performance during the 2018, 2019, and 2021 Nationwide Tests of the EAS undermined the Commission’s “ability to collect, process and evaluate data about EAS alerting pathways”⁸⁵ and detracted from the Commission’s longstanding goal of promoting “higher quality alerts for every American,” which in turn “preserve[s] safety of life through more effective alerting.”⁸⁶

26. Section 1.17 of the Commission’s rules provides that in any investigatory or adjudicatory matter a person subject to the rule must provide truthful and accurate information in all interactions with the Commission.⁸⁷ Such information is critical to the Commission’s processes and is even more important when matters of public safety are at stake.⁸⁸ An incorrect or misleading statement may constitute an actionable violation of section 1.17 of the Commission’s rules, even absent an intent to deceive, if it is provided without a reasonable basis for believing that the statement is correct and not misleading.⁸⁹ Thus, parties dealing with the Commission are obligated to exercise due diligence in

⁸³ See, e.g., *Fed. Comm’n Comm’n, Report: August 11, 2021 Nationwide EAS Test*, Public Safety Homeland Security Bureau (December 2021), <https://docs.fcc.gov/public/attachments/DOC-378861A1.pdf> (last visited Apr. 11, 2024); *Federal Communications Commission, Report: August 7, 2019 Nationwide EAS Test*, Public Safety Homeland Security Bureau (May 2020), <https://docs.fcc.gov/public/attachments/DOC-364279A1.pdf> (last visited Aug. 28, 2024); *Public Safety and Homeland Security Bureau Announces Initial Findings Regarding 2019 Nationwide Test of Emergency Alert System*, Public Notice, 34 FCC Rcd 11938, dated Dec. 9, 2019; *Federal Communications Commission, Report: October 3, 2018 Nationwide and EAS Test*, Public Safety Homeland Security Bureau (Apr. 2019), <https://docs.fcc.gov/public/attachments/DOC-356902A1.pdf> (last visited Aug. 28, 2024); *Public Safety and Homeland Security Bureau Releases Its Initial Findings Regarding the 2018 Nationwide Tests of Wireless Emergency Alerts and the Emergency Alert System*, Public Notice, 2018 WL 6830312, DA 18-1294 (PSHSB 2018).

⁸⁴ See, e.g., *Fed. Comm’n Comm’n, Report: August 11, 2021 Nationwide EAS Test*, Public Safety Homeland Security Bureau (December 2021), <https://docs.fcc.gov/public/attachments/DOC-378861A1.pdf> (last visited Apr. 11, 2024); *Federal Communications Commission, Report: August 7, 2019 Nationwide EAS Test*, Public Safety Homeland Security Bureau (May 2020), <https://docs.fcc.gov/public/attachments/DOC-364279A1.pdf> (last visited Aug. 28, 2024); *Public Safety and Homeland Security Bureau Announces Initial Findings Regarding 2019 Nationwide Test of Emergency Alert System*, Public Notice, 34 FCC Rcd 11938 (PSHSB 2019); *Federal Communications Commission, Report: October 3, 2018 Nationwide and EAS Test*, Public Safety Homeland Security Bureau (Apr. 2019), <https://docs.fcc.gov/public/attachments/DOC-356902A1.pdf> (last visited Aug. 28, 2024); *Public Safety and Homeland Security Bureau Releases Its Initial Findings Regarding the 2018 Nationwide Tests of Wireless Emergency Alerts and the Emergency Alert System*, Public Notice, 33 FCC Rcd 12393 (PSHSB 2018).

⁸⁵ See Sixth Report and Order, *supra* note 33, at 6543, para. 53, n.176 (“By requiring EAS Participants to file test result data in the ETRS, the Commission can maintain a centralized database containing all EAS monitoring assignments and alert distribution pathways, enabling it to perform new analyses of alert distribution at the national, state and local levels.”).

⁸⁶ *Id.*

⁸⁷ 47 CFR § 1.17.

⁸⁸ See, e.g., *Aura Holdings*, *supra* note 30 (proposing the statutory maximum penalty of \$235,668 for willful and repeated failure to provide truthful and accurate information to the Commission).

⁸⁹ See 47 CFR § 1.17(a)(2). In 2003, the Commission expanded the scope of Section 1.17 to include written statements that are made without a reasonable basis for believing the statement is correct and not misleading. The Commission explained that this revision was intended to more clearly articulate the obligations of persons dealing with the Commission, ensure that they exercise due diligence in preparing written submissions, and enhance the

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preparing written submissions, including “taking appropriate affirmative steps to determine the truthfulness of what is being submitted [to the Commission].”⁹⁰ Additionally, the Commission has found that an entity’s “failure to exercise such reasonable diligence would mean that the party did not have a reasonable basis for believing in the truthfulness of the information.”⁹¹

27. Accordingly, we find that Corridor did not exercise due diligence in preparing its ETRS filings in 2018, 2019, and 2021 and, therefore, had no reasonable basis for filing such reports or certifying to their accuracy. We therefore find that Corridor apparently willfully and repeatedly violated section 1.17(a)(2) of the Commission’s rules five times—in each of its ETRS Form Two reports in 2018, 2019, and 2021, and in each of its ETRS Form Three reports in 2019 and 2021.

III. PROPOSED FORFEITURE

28. Section 503(b) of the Act authorizes the Commission to impose a forfeiture against any entity that “willfully or repeatedly fail[s] to comply with . . . any rule, regulation, or order issued by the Commission”⁹² Here, section 503(b)(2)(A) of the Act authorizes us to assess a forfeiture against Corridor of up to \$61,238 for each day of a continuing violation, up to a statutory maximum of \$612,395 for a single act or failure to act.⁹³ In exercising our forfeiture authority, we must 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.⁹⁴ In addition, the Commission has established forfeiture guidelines that establish base penalties for certain violations and identify criteria that we consider when determining the appropriate penalty in any given case.⁹⁵ Under these guidelines, we may adjust a forfeiture upward for violations that are egregious, intentional, repeated, or that cause substantial harm or generate substantial economic gain for the violator, where there is an ability to pay, or where there is a history of prior violations of FCC requirements.⁹⁶ Likewise, we may adjust a forfeiture downward for violations that are minor, violations that are voluntarily disclosed, where there is a history of compliance, or where there is an inability to pay.⁹⁷

A. Violations of Section 11.61

29. Neither the Commission’s forfeiture guidelines nor its case law establishes a base forfeiture for violations of section 11.61 of the Commission’s rules. Thus, we look to the base forfeitures established or issued in analogous cases for guidance. In addition, we have discretion to depart from the

effectiveness of the Commission’s enforcement efforts. *See Amendment of Section 1.17 of the Commission’s Rules Concerning Truthful Statements to the Commission*, Report and Order, 18 FCC Rcd 4016, 4016-4017, 4021, paras. 1-2, 12 (2003), *recons. denied*, Memorandum Opinion and Order, 19 FCC Rcd 5790, *further recons. denied*, Memorandum Opinion and Order, 20 FCC Rcd 1250 (2004) (Amendment of Section 1.17 Order).

⁹⁰ *See Amendment of Section 1.17 Order*, 18 FCC Rcd at 4021, para. 12; *see, e.g., Neon Phone Service, Inc.* Notice of Apparent Liability for Forfeiture, 32 FCC Rcd 7964, 7968, para. 10 (2017).

⁹¹ *See Amendment of Section 1.17 Order*, 18 FCC Rcd at 4021, para. 12.

⁹² 47 U.S.C. § 503(b)(1)(B).

⁹³ *See id.* § 503(b)(2)(A); 47 CFR § 1.80(b). *See Amendment of Section 1.80(b) of the Commission’s Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 23-1198, 2023 WL 8889597 (EB Dec. 22, 2023); *see also Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 89 Fed. Reg. 2148 (Jan. 12, 2024) (setting Jan. 15, 2024, as the effective date for the increases).

⁹⁴ *See* 47 U.S.C. § 503(b)(2)(E).

⁹⁵ 47 CFR § 1.80(b)(11).

⁹⁶ *Id.*

⁹⁷ *Id.* § 1.80(b)(11), Table 3 to paragraph (b)(11).

base forfeiture guidelines, taking into account the particular facts of each individual case.⁹⁸ Section 1.80(b) of the Commission's rules provides for a base forfeiture of \$8,000 for various EAS and false distress rule violations for each violation or each day of a continuing violation.⁹⁹ For example, the Commission's *Forfeiture Policy Statement* denotes an \$8,000 base forfeiture for "violations of rules relating to distress and safety frequencies" and "false distress communications"¹⁰⁰ and section 1.80(b) of the Commission's rules also sets a base forfeiture of \$8,000 for failure to maintain operational EAS Devices for each violation or each day of a continuing violation.¹⁰¹ Furthermore, the Commission has applied a base forfeiture of \$8,000 for violations of section 11.45 of the Commission's rules related to misuse of the EAS tones.¹⁰² To the extent that the Bureau-level decision in *Calvary Chapel* could be argued to hold to the contrary, we note that Bureau-level decisions are not binding on the Commission and, in any event, that case is distinguishable from the present one.¹⁰³ We also disagree with *Calvary Chapel's* suggestion that compliance with EAS testing regulations is not as critical as other EAS requirements and those violations warrant a lower forfeiture amount.¹⁰⁴ Thus, we confirm a base forfeiture of \$8,000 is appropriate for violations involving a national EAS test, consistent with other EAS violations. As this matter also involves apparent violations of EAS-related rules, we will apply an \$8,000 base forfeiture per violation for each of the 2018, 2019, and 2021 apparent violations of section 11.61(a)(3)(i) totaling \$24,000.

30. In assessing whether to rely on, or depart from, the base forfeiture amount, we must take into account the statutory factors set forth in section 503(b)(2)(E) of the Act, which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of

⁹⁸ *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, 17098-99, para. 22 (1997) (noting that "[a]lthough we have adopted the base forfeiture amounts as guidelines to provide a measure of predictability to the forfeiture process, we retain our discretion to depart from the guidelines and issue forfeitures on a case-by-case basis, under our general forfeiture authority contained in Section 503 of the Act") (*Forfeiture Policy Statement*), recons. denied, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

⁹⁹ 47 CFR § 1.80(b)(11), Table 1 to paragraph (b)(11).

¹⁰⁰ *See id.*

¹⁰¹ *See id.*, § 1.80(b).

¹⁰² *See Viacom Inc., ESPN Inc.*, Forfeiture Order, 30 FCC Rcd 797 (2015) (finding a base forfeiture of \$8,000 for violations of the Commission's rules by transmitting or causing transmission of EAS tone in a promotional announcement for a movie).

¹⁰³ In 2009, the Commission's Enforcement Bureau found a licensee apparently liable for a forfeiture in the amount of \$5,000 for transmission of unauthorized Required Monthly Test (RMT) of the EAS, rather than \$8,000, explaining that "failure to conform a RMT to the procedures set forth in the EAS Operating Handbook is not as serious as failure to have any EAS equipment installed or operational." *Calvary Chapel of Costa Mesa, Inc.*, Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 11883, 11886 at para. 7 (EB 2009) (*Calvary Chapel*); *see also Comcast Corp. v. FCC*, 526 F.3d 763, 769 (D.C. Cir. 2008). *Calvary Chapel* is distinguishable from the present case because it did not involve national EAS testing, and further, the decision was later set aside into an admonishment due to unique circumstances of the investigation. *See Calvary Chapel of Costa Mesa, Inc.*, Order, 24 FCC Rcd 13767 (EB 2009).

¹⁰⁴ As the Commission stated more than 10 years ago, the "goal in requiring national EAS testing is to ensure the system will work as designed if activated by the President during an actual emergency" and that "achievement of this goal will depend significantly on the active engagement and cooperation by all EAS Participants in all aspects of the national test, including preparations, actual testing, and post-test assessment and problem remediation." *Third EAS Report and Order*, *supra* note 9, 26 FCC Rcd at 1489-90, para. 78. Given this important goal, the Bureau in *Calvary Chapel* erred to the extent it stated that a violation of EAS testing requirements is less serious than other EAS regulations.

culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.¹⁰⁵ The nature of EAS violations requires particularly serious consideration because, among other issues, such violations potentially undermine the integrity of the EAS.¹⁰⁶ Indeed, because of its linked structure, the EAS is potentially vulnerable to cascading performance problems, *i.e.*, where failure of a participating station, notwithstanding back-up monitoring obligations, could result in system-wide failure for all points below that station on the daisy chain,¹⁰⁷ proper participation in the nationwide tests is critical for the country's emergency communications infrastructure.¹⁰⁸ Therefore, violations of section 11.61 implicate substantial public safety concerns.¹⁰⁹ Moreover, the Commission has warned that an EAS Participant's failure to participate in a national test or actual emergency as required may subject the EAS Participant to enforcement action.¹¹⁰

31. We find that Corridor's apparent violations of section 11.61(a)(3)(i) should be upwardly adjusted to reflect the nature, circumstances, extent, and gravity of the violations. In this case, we apply a 100% upward adjustment of the \$24,000 base forfeiture to reflect the nature, circumstances, extent, and gravity of Corridor's repeated and willful apparent violations of section 11.61 during three consecutive Nationwide Tests of the EAS from 2018 to 2021.¹¹¹ The Commission has applied 100% or higher upward adjustments in the EAS context to address particularly egregious conduct considering a "totality of the circumstances."¹¹²

32. Given the totality of the circumstances, and consistent with the *Forfeiture Policy Statement*, we conclude that a \$24,000 base forfeiture plus an upward adjustment in the amount of \$24,000 is warranted for Corridor's apparent violations of section 11.61(a)(3)(i) of the Commission's

¹⁰⁵ See 47 U.S.C. § 503(b)(2)(E); 47 CFR § 1.80(b)(11); *Viacom Inc.*, Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 2548, 2566 at para. 36 (2014).

¹⁰⁶ See, e.g., *Third EAS Report and Order*, *supra* note 9, 26 FCC Rcd at 1462-63, para. 4 ("As a general matter, the Commission, FEMA, and NWS all work closely with radio and television broadcasters, cable providers, and other participants in EAS . . . as well as with state, local, territorial and tribal governments, to ensure the integrity and utility of EAS."); *Opp Educational Broadcasting Foundation*, Notice of Apparent Liability, 24 FCC Rcd 11237, 11239, para. 6 (2009) ("Failing to participate in the EAS compromises the integrity of the national EAS system."); *One Mart Corporation*, Forfeiture Order, 22 FCC Rcd 16679, 16680-81, para. 7 (EB 2007) ("The requirement that stations monitor, receive and retransmit the required EAS test ensures the operational integrity of the EAS system in the event of an actual disaster.").

¹⁰⁷ See *Third EAS Report and Order*, *supra* note 9, 26 FCC Rcd at 1460, 1465, para. 8.

¹⁰⁸ See *id.* at 1467-68, para. 17 and 1469-70, paras. 22-24.

¹⁰⁹ See *id.*

¹¹⁰ See, e.g., January 2021 EAS Public Notice, *supra* note 36.

¹¹¹ FEMA did not initiate a 2020 National Periodic Test of the EAS due to the COVID-19 pandemic. See Press Release, Fed. Emergency Mgmt. Agency, No National Test this Year for FEMA's Integrated Public Alert & Warning System (June 19, 2020), <https://www.fema.gov/news-release/20200726/no-national-test-year-femas-integrated-public-alert-warning-system>.

¹¹² See *Fox Corporation NAL*, *supra* note 39, 38 FCC Rcd at 784, para. 17 (2023) (adjusting upwardly section 11.45's base forfeiture total of \$144,000 to \$504,000—a 350% upward adjustment—based on "totality of circumstances" and "number of transmissions at issue, FOX's sizeable nationwide audience reach, the gravity of the violation, the violator's degree of culpability, ability to pay, and the serious public safety implications of the apparent violations, as well as the other factors outlined in the Commission's *Forfeiture Policy Statement* and section 1.80 of the Commission's rules."); *Beasley Broadcast Group Licenses, LLC*, Notice of Apparent Liability for Forfeiture, 36 FCC Rcd 17064, para. 15 (EB 2021) ("[W]e conclude that an \$8,000 base forfeiture plus an upward adjustment in the amount of \$12,000 is warranted for Beasley's apparent violation of section 11.45(a) of the Commission's rules.") (adjusting upwardly the \$8,000 base forfeiture to \$20,000—a 250% upward adjustment—for audience reach, number of rebroadcasts on translator stations, and "totality of the circumstances") (forfeiture paid).

rules in 2018, 2019, and 2021. We find no basis for a downward adjustment.¹¹³ We therefore find a total forfeiture of \$48,000 for Corridor's apparent violations of section 11.61(a)(3)(i).

33. In addition to the \$48,000 forfeiture for the apparent violations of section 11.61(a)(3)(i), Corridor failed to file its 2018 ETRS Form Three in apparent violation of section 11.61(a)(3)(iv)(C) of the Commission's rules. While section 1.80(b) of the Commission's rules establishes a base forfeiture of \$3,000 for the failure to file a required form or information,¹¹⁴ we have the discretion to depart from these guidelines, taking into account the particular facts of each individual case.¹¹⁵ In assessing a forfeiture amount, we consider the nature, extent and gravity of Corridor's failure to comply with the ETRS filing requirement to be serious.

34. The Commission relies on the data reported in the ETRS to evaluate whether a test of the EAS is successful and what efforts the Commission and other stakeholders must engage in to further strengthen the EAS.¹¹⁶ The ability to assess the success of a test of the EAS depends on every EAS Participant's compliance with the obligations to file ETRS reports by each filing deadline. An EAS Participant's failure to file ETRS reports impedes the Commission's ability to accurately report EAS

¹¹³ 47 CFR § 1.80(b)(11), Table 3 to paragraph (b)(11) (downward adjustment factors include minor violations, good faith or voluntary disclosure, history of overall compliance, and inability to pay). Corridor argues that its staff employed incorrect procedures not realizing they were out of compliance with section 11.61 of the Commission's rules, but nonetheless made a "good faith effort" to comply with its EAS obligations and thought it had done so. See Response, *supra* note 43, at 2. The Commission has found that inadvertent violations remain willful under the Commission's forfeiture policies. See, e.g., *PTT Phone Cards, Inc.*, Forfeiture Order, 30 FCC Rcd 14701, 14703-04 (2015) (rejecting request to reduce forfeiture due to "not conscious or deliberate" nature of violations made by third parties, administrative oversight and staffing changes) (*PTT Phone Cards*). Furthermore, it is long held Commission precedent that purported "ignorance of the law" does not excuse the fact that Corridor neglected to participate in three Nationwide Tests of the EAS while apparently willfully and repeatedly out of compliance with section 11.61 of the Commission's rules, to which it was subject. See *id.*; see also *Application for review of Southern California Broadcasting Company Licensee, Radio Station Kiev (AM) Glendale, California*, Memorandum Opinion and Order, 6 FCC Rcd 4387 (1991) (stating that the Commission does not consider "ignorance of the law" to be a mitigating circumstance).

In addition, for each National Periodic Test of the EAS in 2018, 2019, and 2021, the Commission and FEMA engaged in multiple industry and public outreach efforts to provide advanced notice and inform EAS Participants of their EAS nationwide testing obligations under the Commission's rules via a series of public notices, press releases and/or industry advisories. See July 2018 Public Notice, *supra* note 31; August 2018 EAS Public Notice, *supra* note 32; June 2019 Public Notice, *supra* note 33; July 2019 Public Notice, *supra* note 35; January 2021 EAS Public Notice, *supra* note 36; see also, Press Release, Fed. Emergency Mgmt. Agency, FEMA and FCC Plan Nationwide Emergency Alert System Test for Aug. 11 Test Messages will be Sent to TVs and Radios Along with Select Cell Phones that Have Opted-In to Receive Test Messages (June 11, 2021), <https://www.fema.gov/press-release/20210611/fema-and-fcc-plan-nationwide-emergency-alert-test-aug-11-test-messages-will>; Press Release, Fed. Emergency Mgmt. Agency, Nationwide Emergency Alert System Test on August 7 (Aug. 5, 2019), <https://www.fema.gov/press-release/20230425/nationwide-emergency-alert-system-test-august-7>; Press Release, Fed. Emergency Mgmt. Agency, Nationwide Test of the Emergency Alerting Systems (Sept. 17, 2018), <https://www.fema.gov/news-release/2018/09/17/nationwide-test-emergency-alerting-systems>. Corridor's ignorance of these widely publicized outreach efforts further indicates a lack of good faith in complying with Commission rules related to nationwide EAS testing.

¹¹⁴ 47 CFR § 1.80(b)(10), Tbl. 1 to Para. (b)(10).

¹¹⁵ See *Forfeiture Policy Statement*, *supra* note 98, 12 FCC Rcd at 17098-99, para. 22.

¹¹⁶ See, e.g., *Fed. Comm'n's Comm'n, Report: August 11, 2021 Nationwide EAS Test*, Public Safety Homeland Security Bureau (December 2021), <https://docs.fcc.gov/public/attachments/DOC-378861A1.pdf> (last visited Apr. 11, 2024).

testing results and has serious implications for the administration of important Commission programs.¹¹⁷ Therefore, Corridor's failure to file its 2018 ETRS Form Three skewed that year's test results and reports and deliberately disregarded the Commission's rules. Given the importance of the ETRS Form Three filing requirement, and consistent with Commission precedent, we believe an upward adjustment is appropriate under these circumstances and propose a \$15,000 forfeiture for Corridor's failure to file its 2018 ETRS Form Three.¹¹⁸ Based on our review of the current record, we find no basis for a downward adjustment.¹¹⁹

B. Violations of Section 1.17

35. The Commission relies on the truthfulness and accuracy of the information provided to it by licensees to carry out its statutory responsibilities.¹²⁰ Such information is critical to the Commission's processes and is even more important when matters of public safety are at stake.¹²¹ As discussed in detail above, incorrect or misleading ETRS reports skew data points to FEMA and the Commission with respect to the operability and reliability of national EAS testing.¹²² Corridor provided incorrect or misleading information, despite certifying otherwise, in five ETRS forms filed with the Commission and did not correct that information within the allotted filing windows, thereby continuing to provide incorrect or misleading information to the Commission up to and until the ETRS filing windows closed. Indeed, the incorrect or misleading statements were not discovered until Corridor filed its LOI Response in this proceeding.

36. Considering all of the enumerated factors and the particular circumstances of this case, we find that the maximum permitted forfeiture of \$61,238 is appropriate for each of Corridor's apparent five violations of section 1.17(a)(2).¹²³ In determining an appropriate forfeiture, we also must consider the totality of the circumstances, 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 other such matters as justice may require.¹²⁴ Therefore, considering the circumstances of this case and consistent with Commission precedent,¹²⁵ we propose a forfeiture of \$61,238 for each of Corridor's five

¹¹⁷ See, e.g., *PTT Phone Cards, Inc.*, Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 11531 at 11534, para. 30 (2014) (proposing a \$50,000 forfeiture for failure to timely file Telecommunications Reporting Worksheets, which had "serious implications for the administration of important Commission programs") (*PTT Phone Cards*).

¹¹⁸ See, e.g., *Westel NAL*, *supra* note 39, 38 FCC Rcd at 6834-35, para. 24 (applying a significant upward adjustment—up to the statutory maximum forfeiture—for failure to file timely or accurate worksheets); *PTT Phone Cards*, 29 FCC Rcd at 11534, para. 30, *forfeiture order issued*, 30 FCC Rcd 14701 (2015) (upholding proposed forfeiture); *PayG, LLC D/B/A Skyswitch*, Notice of Apparent Liability for Forfeiture, 37 FCC Rcd 11021 (2022) (forfeiture paid).

¹¹⁹ 47 CFR § 1.80(b)(10), Table 3 (downward adjustment factors include minor violations, good faith or voluntary disclosure, history of overall compliance, and inability to pay).

¹²⁰ See *Aura Holdings*, *supra* note 30, 33 FCC Rcd at 3698.

¹²¹ See *id.*

¹²² See *supra* paras. 20-27, 34.

¹²³ See *Aura Holdings*, *supra* note 30, 33 FCC Rcd at 3698 (imposing the statutory maximum for violations of 47 CFR § 1.17(a)(2)); *Syntax-Brilliant Corp.*, Forfeiture Order and Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 6323, 6343, para. 45-46 (2008) (also imposing the statutory maximum) (*Syntax-Brilliant Corp.*) (forfeiture paid).

¹²⁴ See 47 U.S.C. § 503(b)(2)(E); 47 CFR § 1.80(b)(11); *Viacom Inc.*, Notice of Apparent Liability for Forfeiture, 29 FCC Rcd 2548, 2565-66, para. 36 (2014).

¹²⁵ See *Aura Holdings*, *supra* note 30, 33 FCC Rcd at 3697; see, e.g., *GPSPS, Inc.*, Notice of Apparent Liability for Forfeiture, 30 FCC Rcd 2522, 2533, para. 26 (2015) (imposing statutory maximum for each instance licensee provided false information in slamming/cramming cases), *forfeiture ordered*, 30 FCC Rcd 7814; *Syntax-Brilliant Corp.*, 23 FCC Rcd at 6343, para. 45-46.

incorrect or misleading ETRS filings or \$306,190 in total for the five filings. We find no basis for a downward adjustment.¹²⁶

C. Total Proposed Forfeiture

37. Consistent with the *Forfeiture Policy Statement*, section 1.80 of the Commission's rules, and after applying the statutory factors, we propose a \$48,000 forfeiture for Corridor's three apparent violations of section 11.61(a)(3)(i), a \$15,000 forfeiture for Corridor's apparent violation of section 11.61(a)(3)(iv)(C), and \$306,190 for Corridor's five apparent violations of section 1.17(a)(2) of the Commission's rules for a total combined forfeiture of \$369,190 for which Corridor is apparently liable.¹²⁷

IV. CONCLUSION

38. We have determined that Corridor apparently willfully and repeatedly violated sections 11.61 and 1.17 of the Commission's rules. As such, Corridor is apparently liable for a forfeiture of \$369,190.

V. ORDERING CLAUSES

39. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Act, 47 U.S.C. § 503(b), and section 1.80 of the Commission's rules, 47 CFR § 1.80, Corridor Television, L.L.P. is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of three hundred sixty-nine thousand one-hundred-ninety dollars (\$369,190) for willful and repeated violations of sections 11.61 and 1.17 of the Commission's rules in 2018, 2019, and 2020.¹²⁸

40. **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, Corridor Television, L.L.P. **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 43 below.

41. In order for Corridor Television, L.L.P. to pay the proposed forfeiture, Corridor Television, L.L.P. shall notify Christopher J. Sova at Christopher.Sova@fcc.gov, Kenneth M. Scheibel, Jr. at Kenneth.Scheibel@fcc.gov, and Jennifer Lewis at Jennifer.Lewis@fcc.gov with its intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Corridor Television, L.L.P. shall send electronic notification of payment to Christopher J. Sova at Christopher.Sova@fcc.gov, Kenneth M. Scheibel, Jr. at Kenneth.Scheibel@fcc.gov, and Jennifer Lewis at Jennifer.Lewis@fcc.gov, Enforcement Bureau, Federal Communications Commission, 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 forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:¹²⁹

- 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

¹²⁶ 47 CFR § 1.80(b)(11), Table 3 to paragraph (b)(11) (downward adjustment factors include minor violations, good faith or voluntary disclosure, history of overall compliance, and inability to pay).

¹²⁷ 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.

¹²⁸ 47 CFR § 11.61(a)(3)(i).

¹²⁹ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

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).¹³⁰ 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.

42. 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, NE, Washington, D.C. 20554.¹³¹ 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.

43. 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(f)(3) of the Commission’s rules.¹³² The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554, ATTN: Enforcement Bureau – Investigations and Hearings Division, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to Christopher J. Sova at Christopher.Sova@fcc.gov, Kenneth M. Scheibel, Jr. at Kenneth.Scheibel@fcc.gov, and Jennifer Lewis at Jennifer.Lewis@fcc.gov.

44. 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

¹³⁰ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

¹³¹ See 47 CFR § 1.1914.

¹³² *Id.* §§ 1.16, 1.80(f)(3).

reflects the petitioner's current financial status.¹³³ 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 U.S.C. § 503(b)(2)(E) support that result.¹³⁴

45. **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 Corridor Television, L.L.P., 1402 West Avenue, Austin, Texas 78701 and to Corridor's attorney, Burt A. Braverman, Esq., Davis Wright Tremaine, LLP, 1301 K Street, N.W., Suite 500 East, Washington, DC 20005.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

¹³³ 47 U.S.C. § 503(b)(2)(E).

¹³⁴ See, e.g., *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18-21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860-62, paras. 21-25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-04, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).