

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

In the Matter of:

Teleadoracion Christian Network Inc.
Licensee of Station WDWL
Bayamon, Puerto Rico

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FRN: 0018091587
NAL/Acct. No. 201341420040
Facility ID No. 4110

FORFEITURE ORDER

Adopted: October 25, 2013

Released: October 28, 2013

By the Chief, Video Division, Media Bureau:

I. INTRODUCTION

1. In this *Forfeiture Order*, issued pursuant to Sections 0.61(f)(1) and 1.80(a)(1) and (2) of the Commission's rules,¹ we find that Teleadoracion Christian Network, licensee of Station WDWL, repeatedly violated Section 73.3526(e)(11)(iii) by failing to file timely with the Commission the Station's Children's Television Programming Reports. Based on our review of the facts and circumstances, we find the Licensee liable for a forfeiture of Twelve Thousand Six Hundred Dollars (\$12,600.00).

II. BACKGROUND

2. The Video Division issued a Notice of Apparent Liability ("NAL") for Forfeiture on August 7, 2013.² The NAL notified the Licensee that the station's failure to (i) file its Children's Television Programming Reports in a timely manner and (ii) publicize the existence and location of those reports constituted apparent willful or repeated violations of Section 73.3526(e)(11)(iii) of the Commission's Rules.³ The Division concluded that the Licensee was apparently liable for a forfeiture of \$14,000.

3. In a timely response dated August 21, 2013, the Licensee requested that the proposed forfeitures be reduced.⁴

III. DISCUSSION

4. The Commission is authorized to license radio and television broadcast stations and is responsible for enforcing the Commission's rules and applicable statutory provisions concerning the operation of those stations. Under section 503(b)(1) of the Act, any person who is determined by the Commission to have willfully or repeatedly failed to comply with any

¹ 47 C.F.R. §§ 0.61(f)(1), 1.80(a)(1) & (2).

² *Teleadoracion Christian Network, Inc.*, Notice of Apparent Liability for Forfeiture, DA 13-1712 (Aug. 7, 2013).

³ 47 C.F.R. § 73.3526(e)(11)(i).

⁴ Licensee Response to Notice of Apparent Liability ("Licensee Response") (Sept. 3, 2013).

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.⁵ In order to impose a forfeiture 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.⁶ The Commission will then issue a forfeiture order if it finds by a preponderance of the evidence that the person has violated the Act or a Commission rule.⁷ As we set forth in greater detail below, we conclude that the Licensee is liable for a forfeiture for repeated violations of Section 73.3526(e)(11)(iii) of the Commission's rules. We ultimately conclude that the forfeiture amount should be reduced from \$14,000 to \$12,600.

5. The Community Broadcasters Protection Act requires that Class A television stations comply with all rules applicable to full-power television stations except for those rules that could not apply for technical or other reasons.⁸ The Commission rules establish that Class A licensees must (i) offer informational and educational children's programming; (ii) prepare and place in a public inspection file quarterly Children's Television Programming Reports; and (iii) electronically file those reports with the Commission.⁹ Moreover, each Class A television station must prepare and place in its public inspection file on a quarterly basis an issues/programs list demonstrating that the station aired programming that meets the needs and interests of its community of license¹⁰ and must upload the issues/programs lists to the Commission's website.¹¹

6. Commission policy establishes a base forfeiture amount of \$3,000 for failure to file a required form and \$10,000 for public file violations.¹² In determining the appropriate forfeiture amount, the Commission may adjust the base amount upward or downward by considering the factors in Section 503(b)(2)(E), which include "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." In the NAL, the Commission proposed a forfeiture amount of \$14,000.

7. The Licensee admits that it failed file Children's Television Programming Reports

⁵ 47 U.S.C. § 503(b)(1) (A) & (B); 47 C.F.R. § 1.80(a)(1) & (2). The Commission may assess a forfeiture order for violations that are merely repeated, and not willful. See, e.g., *Callais Cablevision, Inc., Grand Isle, Louisiana*, Notice of Apparent Liability for Monetary Forfeiture, 16 FCC Rcd 1359, 1362, (2001) (issuing a Notice of Apparent Liability for a cable television operator's repeated violations of the Commission's signal leakage rules). "Repeated" means that the act was committed or omitted more than once. *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388 (1991).

⁶ 47 U.S.C. § 503(b); 47 C.F.R. § 1.80(f).

⁷ See, e.g., *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7591 (2002).

⁸ Community Broadcasters Protection Act of 1999, Pub. L. No. 106-113, 113 Stat. Appendix I at pp. 1501A-594-1501A-598 (1999), *codified at* 47 U.S.C. § 336(f).

⁹ *Establishment of a Class A Television Service*, MM Docket No. 00-10, Report and Order, 15 FCC Rcd 6355, 6366 (2000); 47 C.F.R. § 73.3526 (a)(2) & (e)(11)(iii).

¹⁰ 47 C.F.R. § 73.3526(e)(11)(i).

¹¹ *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations*, Report and Order, 27 FCC Rcd at 4568-69; 47 C.F.R. § 73.3526(b)(2); and § 73.3526(e)(17).

¹² See *Forfeiture Policy Statement and Amendment of Section 1.80(b) of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17113-15 (1997), *recon. denied*, 15 FCC Rcd 303 (1999); 47 C.F.R. § 1.80(b)(4).

with the Commission in a timely manner and failed to publicize the existence of the reports.¹³ These deficiencies, regardless of the cause, constitute repeated violations of the relevant Commission rules.

8. The Licensee argues that its history of compliance with Commission rules favors a reduction in the forfeiture amount.¹⁴ Given the Licensee's history of compliance and having carefully considered the Commission's *Forfeiture Guidelines*,¹⁵ we reduce the remaining forfeiture amount to \$12,600.

IV. ORDERING CLAUSES

9. ACCORDINGLY, IT IS ORDERED THAT, pursuant to section 503(b) of the Communications Act of 1934, as amended, and Sections 0.61(f)(1) and 1.80(a)(1)&(2) of the Commission's rules,¹⁶ Teleadoracion Christian Network, Inc. SHALL FORFEIT to the United States the sum of twelve thousand six hundred dollars (\$12,600) for repeatedly violating 47 C.F.R. 73.3526(e)(11)(iii).

10. Payment of the forfeiture shall be made in the manner provided for in Section 1.80 (h) of the Commission's rules within thirty (30) calendar days after the release date of this Forfeiture Order. If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to Section 504(a) of the Communications Act of 1934, as amended. The Licensee shall send electronic notification of the payment to Peter Saharko at peter.saharko@fcc.gov on the date payment is made.

11. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the "FORF" in block number 24A (payment type code). Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

¹³ Licensee Response at 1.

¹⁴ *Id.*

¹⁵ 12 FCC Rcd 17087.

¹⁶ 47 U.S.C. § 503(b); 47 C.F.R. §§ 0.61(f)(1) & 1.80(a)(1)&(2).

12. IT IS FURTHER ORDERED THAT a copy of this FORFEITURE ORDER shall be sent by Certified Mail Return Receipt Requested to Teleadoracion Christian Network, Inc., P.O. Box 50615, Levittown Station, Toa Baja, Puerto Rico, 00950, and to its counsel, Francisco Montero and Jonathan Markman, Fletcher, Heald & Hildreth, PLC, 1300 17th Street North, 11th Floor, Arlington, Virginia, 22209-3801.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read 'B. A. Kreisman', with a long horizontal flourish extending to the right.

Barbara A. Kreisman
Chief, Video Division
Media Bureau