

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of:</b>	)	
	)	
<b>Word of Life Ministries, Inc.,</b>	)	<b>Facility I.D. No. 38497</b>
<b>Licensee of Station KADO-LP</b>	)	<b>NAL/Account No. 201341420039</b>
<b>Shreveport, Louisiana</b>	)	<b>FRN: 0005870498</b>

**To: The Secretary**  
**Attn: Media Bureau Video Branch**

**REQUEST FOR REDUCTION OF PROPOSED FORFEITURE**

Word of Life Ministries, Inc. (“Word of Life”), licensee of Station KADO-LP, by and through counsel, hereby submits this *Request for Reduction of Proposed Forfeiture* pursuant to Commission Rules 1.80 and 47 CFR §1.80. Word of Life seeks relief from a proposed monetary forfeiture of \$12,000 assessed for its failure to timely file Children’s Television Programming Reports and for failure to report that violation in its renewal application.<sup>1</sup>

Word of Life does not dispute the facts as stated in the NAL with respect to its failure to timely file the programming reports, nor does it dispute the fact that the late filing of the reports was not noted in its renewal application. However, Word of Life notes that under Section 503(b)(2)(D) of the Act and under the *Forfeiture Policy Statement*, the Commission has the discretion to adjust the forfeiture amount by considering “the nature, circumstances, extent and gravity of the violation, and, with respect to the violator, the

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<sup>1</sup> See *Notice of Apparent Liability for Forfeiture (“NAL”)*, DA 13-1730 ¶ 1 (released August 9, 2013).

degree of culpability, any history of prior offenses, ability pay, and such other matters as justice may require.”<sup>2</sup>

Word of Life seeks review of the proposed monetary forfeiture for three reasons: (1) the amount of the forfeiture is inconsistent with other forfeitures assessed during the same period and for more egregious violations; (2) Word of Life is a not for profit entity, Station KADO-LP has no revenues, and payment of the proposed forfeiture will result in financial hardship; and, (3) Word of Life has a history of compliance with the Commission. These factors, individually and taken together, should be recognized and result in a downward adjustment of the forfeiture.

**I. The Forfeiture Is Excessive When Compared to Those Assessed For Similar and More Egregious Violations During the Same Period.**

As stated in the August 9, 2013 NAL, Word of Life filed nine late Children’s Programming Reports, five of which were over a year late. In the July and August 2013 time period, the Commission entered more than 20 decisions concerning Children’s Programming reporting violations;<sup>3</sup> a review of those decisions shows that many involved violations that are more egregious than Word of Life’s and, yet, resulted in forfeitures that are less or not substantially different than the amount assessed against Word of Life. Some of those decisions are as follows:

In *Waters & Brock Communications, Inc.*, 2013 FCC LEXIS 3000 (July 11, 2013), the Commission found that the station failed to prepare, place in the public inspection

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<sup>2</sup> *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, 18113-15 (1997) (“*Forfeiture Policy Statement*”), *recon. denied*, 15 FCC Rcd 303 (1999).

<sup>3</sup> Most of those decisions, like Word of Life’s, concerned filing of reports, while some concerned the public reporting of programming.

file, and timely file its Children's Programming Reports for all quarters from 2005 through 2011 – which represents 28 quarterly reports. The station also failed to disclose this fact in its license renewal application. Despite the fact that its violation of Commission Rules was three times greater than Word of Life's, the station was assessed a forfeiture of only \$10,000 – just \$1,000 more than Word of Life's forfeiture.

In *San-Lee Community Broadcasting Inc.*, 2013 FCC LEXIS 2971 (July 12, 2013), the station was found to have failed to make the required filings for all four quarters in a five-year period – 20 reports in total, almost all of which were more than a year late – and this failure to report was not raised as part of the station's license renewal application. Despite having failed to file more than twice the number of reports that Word of Life failed to file and having filed its reports even later than did Word of Life, San-Lee was assessed a forfeiture of only \$6,000 -- \$3,000 less than Word of Life.

In *Teledoracion Christian Network, Inc.*, 2013 FCC LEXIS 3391 (August 7, 2013), a failure to file 11 quarterly reports (eight that the station reported and three more that the Commission noted) resulted in a forfeiture of only \$6,000. The station also failed to report these violations in its license renewal application. Again, this determination represents a lesser forfeiture for a more egregious violation than Word of Life's violations.

Finally, in *D.T.V., LLC*, 2013 FCC LEXIS 3003 (July 11, 2013), the station failed to timely file 15 Children's Television Programming Reports. The forfeiture imposed in this matter was \$9,000 – the same as Word of Life's, even though the station's violation involved more late filings than did Word of Life's.

In the case of the failure to file a required form or information, the base forfeiture amount is \$3,000. See *Forfeiture Policy Statement* and 47 C.F.R. § 180(b)(4) of the Rules. Word of Life acknowledges the Commission's ability to exercise its discretion in the upward or downward adjustment of the base forfeiture amount; however, that forfeiture should not be disparate when compared to those imposed for similar or greater violations, as it is here. Licensees are to be similarly treated and in conformance with precedent. Word of Life respectfully requests that the Commission make a downward adjustment of its forfeiture in consideration of the forfeitures awarded in these other matters.

**II. Word of Life is a Not for Profit Entity and Payment of the Forfeiture Amount is an Excessive Undue Hardship.**

To support a claim of inability to pay, the petitioner must submit (1) federal tax returns for the most recent three-year period; (2) financial statement prepared according to generally accepted accounting practices (GAAP); or (3) some other reliable and objective documentation that accurately reflects the petitioner's current status.<sup>4</sup> In accordance with this requirement, Word of Life provides a three-year overview of Station KADO-LP's revenues and expenses, which has been prepared by its accountant. Word of Life respectfully requests that these financial documents remain confidential as business records.<sup>5</sup>

The Commission generally looks at gross revenues as the appropriate yardstick for measuring ability to pay. See *CARE Broadcasting, Inc., Forfeiture Order*, 25 FCC Rcd

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<sup>4</sup> NAL, DA 13-1730, ¶13.

<sup>5</sup> See *In re Applications of First Greenville Corporations for Renewal of Licenses for Stations KGVL(AM)/KIKT(FM) Greenville, Texas* 11 FCC Rcd 7399, 7403 (1996) (granting applicant's request that financial statements remain confidential).

1411, 1413 (MB 2010). Here, however, Station KADO-LP has no gross revenues. As set forth in the letter provided by the Station's Chief Operator, Chad Giddens, KADO-LP is licensed to Word of Life Ministries, Inc., which is a non-profit organization. The station is an outreach to the Shreveport and Bossier City communities, and its purpose is to provide family programming to the cities as well as live local religious programming twice a week. KADO-LP does not sell advertising, airtime or programming, nor does the station solicit donations. The station operates with no income of its own and is financially supported entirely by Word of Life Ministries.

The financial statements which Word of Life has produced show that KADO-LP has had some relatively steady expenses, as well as some that have significantly increased in the past year – including its tower rent and its legal and professional expenses. These financial indicators as well as the impact on the public interest if a distinct voice in the broadcasting arena is adversely impacted<sup>6</sup> militate in favor of a finding that Word of Life is without the financial means to pay the forfeiture that has been assessed by the Commission and a reduction in forfeiture is appropriate.

### **III. Word of Life Has a History of Compliance with the Commission, Which Should Result in a Reduction in the Amount of Forfeiture.**

Word of Life has operated Station KADO-LP in Shreveport, LA since October 2001 and has a history of complying with the Commission's Rules, which is a recognized basis for a reduction in forfeiture, *see Forfeiture Policy Statement*, 12 FCC Rcd at 17116.<sup>7</sup>

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<sup>6</sup> See *PJB Communications of Virginia, Inc.*, 7 FCC 2088, 2089 (1992); *Canby Telephone Association*, 5 FCC Rcd 731 ¶ 8 (1990) (a reduction in the penalty may be warranted where the ability to serve the public could be affected by the amount assessed).

<sup>7</sup> See, e.g., *Claro Communications, Ltd, Forfeiture Order*, 23 FCC Rcd 359, 362 (EB 2008).

Based on the fact that Word of Life has no past history of violations, it respectfully requests a downward adjustment of any forfeiture that may be assessed in this matter.

**IV. Word of Life Requests that It Be Granted 120 Days to Pay Any Forfeiture That Is Imposed.**

Because of the station's financial status, as set forth above, Word of Life respectfully requests that the Commission grant an extension of the normal forfeiture payment deadline – specifically, a period of 120 days from the entry of the order in this matter – for the payment of any forfeiture. *See Highland Park Broadcasting, LP*, 2013 FCC LEXIS 3361 (July 31, 2013) (120 days granted).

**V. Conclusion**

For all of the reasons stated herein, Word of Life respectfully requests a reduction in the forfeiture assessed in this matter.

Respectfully submitted,

WORD OF LIFE MINISTRIES, INC.

By   
A. Wray Fitch III  
Carol L. Browne  
Its Attorneys

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McLean, VA 22102-3807  
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September 9, 2013

## KADO

4425 Meriwether Rd  
Shreveport, LA 71118  
318-688-4411 office  
318-688-8286 fax

September 5, 2013

KADO-LP is owned and operated by Word Of Life Ministries, Inc. which is a non-profit organization. The station is an outreach to the Shreveport and Bossier City communities. It's purpose is to provide family programming to the cities as well as live local religious programming twice a week. KADO-LP does not sell advertising, airtime, or programming nor does the station solicit donations in any way. The station operates with no income of it's own. The engineering, legal, utility, and equipment cost are supplied entirely by Word Of Life Ministries. Attached is a copy of KADO-LP's financial records from the previous 3 years.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Chad Giddens", written over a light blue horizontal line.

Chad Giddens

Chief Operator

WORD OF LIFE MINISTRIES, INC.  
4425 MERIWETHER ROAD  
SHREVEPORT, LA 71109  
INCOME AND EXPENSE STATEMENT FOR KADO-LP

YEAR	2012	2011	2010
INCOME	0	0	0
EXPENSES			
EQUIPMENT EXPENSE	147.57	748.59	674.00
EQUIPMENT MAINTENANCE	3,434.72	3,220.11	3,545.00
LEGAL AND PROFESSIONAL	1,306.30	295.33	1,249.06
TOWER RENT	16,790.88	13,992.40	15,391.64
TELEPHONE/DATA	1,887.22	2,116.57	1,290.99
SALARIES	30,000.00	30,000.00	30,000.00
TOTAL EXPENSES	53,566.69	50,373.00	52,150.69

*Rachel Nolen Nix, CPA*  
Rachel Nolen Nix CPA

*9-6-13*  
Date 09/06/13