

**Before the  
Federal Communications Commission  
WASHINGTON, D.C. 20554**

In the Matter of	)	File No.: EB-SED-12-00000906
	)	
Life on the Way Communications, Inc.	)	NAL/Acct. No.: 201332100005
	)	
	)	FRN: 0009016239

**NOTICE OF APPARENT LIABILITY FOR FORFEITURE  
AND ADMONISHMENT**

**Adopted: February 21, 2013**

**Released: February 21, 2013**

By the Chief, Spectrum Enforcement Division, Enforcement Bureau:

**I. INTRODUCTION**

1. In this Notice of Apparent Liability for Forfeiture and Admonishment, we find Life on the Way Communications, Inc. (Life on the Way), licensee of domestic fixed satellite service earth station E970117, Van Nuys, California, apparently liable for a forfeiture in the amount of eighteen thousand dollars (\$18,000) for its apparent willful and repeated violation of Section 301 of the Communications Act of 1934, as amended (Act),<sup>1</sup> and Section 25.102(a) of the Commission's rules (Rules).<sup>2</sup> The apparent violation involves Life on the Way's operation of earth station E970117 for more than eight years without Commission authority. We also admonish Life on the Way for its willful violation of Section 310(d) of the Act<sup>3</sup> and Section 25.119 of the Rules<sup>4</sup> in connection with the assignment of the license for earth station E970117 without prior Commission consent.

**II. BACKGROUND**

2. On April 16, 1997, Living Way Ministries, Inc. (Living Way Ministries) was granted a license to operate earth station E970117 for a period of 10 years through April 16, 2007, the expiration date of the station's license.<sup>5</sup> On October 13, 2011, more than four years after the license for station

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<sup>1</sup> 47 U.S.C. § 301.

<sup>2</sup> 47 C.F.R. § 25.102(a).

<sup>3</sup> 47 U.S.C. § 310(d).

<sup>4</sup> 47 C.F.R. § 25.119.

<sup>5</sup> See File No. SES-LIC-19970113-00034 (prior File Number: 00426-DSE-P/L-97). See also <http://licensing.fcc.gov/myibfs/displayLicense.do?filingKey=-2099781603>. Living Way Ministries is a nonprofit, educational and religious corporation formed by Dr. Jack W. Hayford, the former Senior Pastor of The First Foursquare Church of Van Nuys, California, which also is known as The Church on the Way. See Letter from Gary Curtis, Vice President, Life on the Way Communications, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission at 1 (Sept. 14, 2012) (on file in EB-SED-12-00000906) (September 2012 Response). The Church on the Way is an affiliate of The Foursquare Church, which has more than 1,700 churches in the United States, and more than 66,000 churches and meeting places in 140 countries. See <http://www.foursquare.org/about/history> (last visited Jan. 30, 2013). The Church on the Way describes itself as one of the top 100 churches in America. See <http://www.lifeontheway.org/#/home/about-us> (last visited Jan. 30, 2013).

E970117 had expired, Life on the Way<sup>6</sup> filed with the International Bureau an application for an earth station license, stating that the application was filed “due to the inadvertent expiration” of the E970117 station license.<sup>7</sup> On February 8, 2012, the International Bureau dismissed Life on the Way’s application for a new earth station license as defective.<sup>8</sup> On February 10, 2012, Life on the Way resubmitted its application for a new earth station license.<sup>9</sup> Thereafter, on February 15, 2012, Life on the Way filed with the International Bureau a request for Special Temporary Authority (STA) to operate its earth station pending grant of the license application.<sup>10</sup> In its STA request, Life on the Way stated that the E970117 station license “inadvertently, and without notification from the Commission, expired.”<sup>11</sup> According to Life on the Way, earth station E970117 is used to deliver programming to noncommercial FM stations and noncommercial FM translator stations licensed to Life on the Way, and that grant of the STA Request is essential to the continued operation of its broadcast stations.<sup>12</sup>

3. On February 22, 2012, the International Bureau granted the STA without prejudice to any future enforcement action related to the apparent unauthorized operation of station E970117.<sup>13</sup> On April 2, 2012, the International Bureau granted Life on the Way’s application for an earth station license under call sign E970117.<sup>14</sup>

4. Because it appeared that Life on the Way operated earth station E970117 without Commission authorization, the International Bureau referred this matter to the Enforcement Bureau (Bureau) for investigation and possible enforcement action. On July 10, 2012, the Bureau’s Spectrum Enforcement Division (Division) issued a letter of inquiry (LOI) to Life on the Way, directing the company to submit a sworn written response to a series of questions relating to its operation of earth station E970117.<sup>15</sup> Life on the Way responded to the LOI on August 3, 2012.<sup>16</sup> On September 4, 2012, the Division issued Life on the Way a second letter of inquiry (Second LOI), directing Life on the Way to

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<sup>6</sup> Life on the Way is affiliated with Living Way Ministries, and both Life on the Way and Living Way Ministries are headquartered at The Church on the Way in Van Nuys, California. See September 2012 Response at 2. Life on the Way describes itself as the “nonprofit media outreach of The Church on the Way.” See <http://www.lifeontheway.org/#/home/about-us> (last visited Jan. 30, 2013).

<sup>7</sup> See File No. SES-LIC-20111013-01219.

<sup>8</sup> See *Life on the Way Communications, Inc.*, Letter, 27 FCC Rcd 1378 (Int. Bur. 2012) (dismissing the application for failure to respond to FCC Form 312, Schedule B, items E41 through E60).

<sup>9</sup> See File No. SES-LIC-20120210-00163.

<sup>10</sup> See File No. SES-STA-20120215-00172.

<sup>11</sup> *Id.*

<sup>12</sup> See *id.*

<sup>13</sup> The International Bureau granted the STA for the period February 22, 2012, to April 21, 2012. See *Public Notice, Satellite Communications Services Information, Actions Taken*, Report No. SES-01429, Feb. 29, 2012. On April 16, 2012, Life on the Way filed an application to extend the STA. See File No. SES-STA-20120416-00370. This application was dismissed as moot by the International Bureau on April 23, 2012, as the underlying license application had been granted. See *Public Notice, Satellite Communications Services Information, Actions Taken*, Report No. SES-01443, Apr. 25, 2012.

<sup>14</sup> See *Public Notice, Satellite Communications Services Information, Actions Taken*, Report No. SES-01438, Apr. 4, 2012.

<sup>15</sup> See Letter from John D. Poutasse, Chief, Spectrum Enforcement Division, FCC Enforcement Bureau, to Gary Curtis, Vice President, Life on the Way Communications, Inc. (July 10, 2012) (on file in EB-SED-12-00000906).

<sup>16</sup> See Letter from Gary Curtis, Vice President, Life on the Way Communications, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission (Aug. 2, 2012) (on file in EB-SED-12-00000906) (August 2012 Response).

provide additional information concerning the operation of earth station E970117 and the relationship between Living Way Ministries and Life on the Way.<sup>17</sup> Life on the Way responded to the Second LOI on September 17, 2012.<sup>18</sup>

5. In response to the Division's inquiries, Life on the Way states that Living Way Ministries, the former licensee of noncommercial educational FM broadcast station KTLW, applied for the E970117 station license for use as an "auxiliary facility" for station KTLW.<sup>19</sup> Life on the Way states that on October 28, 2002, Living Way Ministries filed with the Commission an application on FCC Form 314 (Application for Consent to Assignment of Broadcast Station Construction Permit or License) seeking consent to the assignment of the license of station KTLW and all of its associated broadcast auxiliary facilities to Life on the Way (KTLW Assignment Application).<sup>20</sup> Life on the Way asserts that because an attachment to the KTLW Assignment Application identified earth station E970117 as an "auxiliary facility" of station KTLW,<sup>21</sup> the KTLW Assignment Application also sought Commission consent to the assignment of the E970117 license to Life on the Way.<sup>22</sup> Finally, Life on the Way contends that its operation of earth station E970117 was authorized because the Media Bureau's consent to the assignment of the license of station KTLW to Life on Way included all of station KTLW's currently authorized broadcast auxiliary stations, which Life on the Way asserts included the earth station license.<sup>23</sup> Life on the Way further states that it has been operating earth station E970117 since May 23, 2003, the date Life on the Way consummated the assignment of the license of station KTLW.<sup>24</sup>

### III. DISCUSSION

6. As detailed below, we find that Life on the Way engaged in the unauthorized assignment of earth station E970117 in apparent willful violation of Section 310(d) of the Act and Section 25.119 of the Rules. We also find that by operating earth station E970117 without Commission authorization from May 23, 2003, until February 22, 2012, the date the STA was granted, Life on the Way apparently willfully and repeatedly violated Section 301 of the Act and Section 25.102(a) of the Rules.

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<sup>17</sup> See Letter from John D. Poutasse, Chief, Spectrum Enforcement Division, FCC Enforcement Bureau, to Gary Curtis, Vice President, Life on the Way Communications, Inc. (Sept. 4, 2012) (on file in EB-SED-12-00000906).

<sup>18</sup> See September 2012 Response, *supra* note 5.

<sup>19</sup> See *id.* at 1.

<sup>20</sup> *Id.* See also File No. BALED-20021028AAZ.

<sup>21</sup> In this regard, we note that the exhibit referenced by Life on the Way was submitted by Living Way Ministries in response to Section II, Question 4 of FCC Form 314, which requires the assignor to identify all other broadcast stations in which the licensee/permittee or any party to the application has an attributable interest. In Attachment 6 to the KTLW Assignment Application, Living Way Ministries identified broadcast auxiliary/aural studio transmitter link (AS) station WPOQ483 and earth station E970117 as "auxiliary facilities" of station KTLW. See File No. BALED-20021028AAZ, Attachment 6 (Media Interests).

<sup>22</sup> See September 2012 Response at 3.

<sup>23</sup> See *id.* at 3 (stating that Life on the Way "consummated the transaction in accordance with the FCC authorization[.]" and that while the license for broadcast auxiliary station WPOQ483 was updated to reflect Life on the Way as the new station licensee, "[a]pparently, the license for E970117 was not modified in that regard.")

<sup>24</sup> See *id.* at 2. With respect to Life on the Way's operation of earth station E970117 after the station's April 16, 2007, license expiration date, Life on the Way asserts that neither Life on the Way nor Living Way Ministries were aware that the license had expired or received from the Commission notice that a license renewal application was due to be filed. See August 2012 Response at 1. Nevertheless, Life on the Way argues that it filed on July 14, 2005, an application on FCC Form 303-S (Application for Renewal of Broadcast Station License) to renew the licenses for KTLW and all of its associated broadcast auxiliary facilities. See September 2012 Response at 2.

### A. Unauthorized Assignment of Earth Station License

7. Section 310(d) of the Act states that “[n]o construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby.”<sup>25</sup> Section 25.119 of the Rules requires that licensees of Part 25 satellite space and earth station authorizations file an application and receive prior approval for Commission authorization to transfer, assign, or dispose of (voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation or any other entity) a station license or accompanying rights.<sup>26</sup> Specifically, pursuant to Section 25.119(c) of the Rules, licensees seeking to assign an earth station license must obtain the prior approval of the Commission by submitting an FCC Form 312, Main Form and Schedule A.<sup>27</sup> However, Life on the Way never sought or obtained prior Commission consent to the assignment of the license of earth station E970117 as required by the Rules.

8. We reject Life on the Way’s contention that the Media Bureau’s approval of the KTLW Assignment Application also had the effect of granting its consent to the assignment of the license of earth station E970117 to Life on the Way. Broadcast stations, like station KTLW, are subject to Part 73 of the Rules,<sup>28</sup> and applications requesting Commission consent to the assignment of a broadcast station license are filed on FCC Form 314.<sup>29</sup> Although the licenses of a broadcast station’s associated broadcast auxiliary stations are automatically transferred upon the grant of the FCC Form 314 application, the Commission has never classified earth stations as broadcast auxiliary stations.<sup>30</sup> Domestic fixed satellite earth stations, like station E970117, are subject to Part 25 of the Rules.<sup>31</sup> Pursuant to Section 25.119(c) of the Rules, Living Way Ministries and Life on the Way were required to file with the International Bureau an application on FCC Form 312, Main Form and Schedule A, in order to obtain Commission consent to the assignment of the E970117 license to Life on the Way.<sup>32</sup> No such application was filed. Accordingly, we conclude that Life on the Way engaged in the unauthorized assignment of the license for station

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<sup>25</sup> 47 U.S.C. § 310(d).

<sup>26</sup> 47 C.F.R. § 25.119.

<sup>27</sup> *Id.* § 25.119(c). This requirement was implemented in 1997, when the Commission announced the availability of the then new FCC Form 312 (Application for Satellite Space and Earth Station Authorizations) and stated that this form is to be used when applicants seek Commission consent to assign or transfer control of a licensed earth station. *See Implementation of New Part 25 Regulations for Satellite Space and Earth Station Application and Licensing Procedures*, Public Notice, 12 FCC Rcd 13850, 13852 (1997). This announcement implemented the rules adopted by the Commission to streamline application and licensing procedures for satellite space and earth stations under Part 25 of the Rules. *See Streamlining the Commission’s Rules and Regulations for Satellite Applications and Licensing Procedures*, Report and Order, 11 FCC Rcd 21581 (1996).

<sup>28</sup> *See* 47 C.F.R. Part 73.

<sup>29</sup> *See id.* § 73.3540(c). *Pro forma* assignment of license and transfer of control applications are filed on FCC Form 316. *See id.* § 73.3540(f).

<sup>30</sup> Broadcast auxiliary stations are subject to Part 74 of the Rules, and are used for relaying broadcast aural and television signals (such as from the broadcast station’s main studio to its transmitter) between two points (such as the broadcast station’s main studio and an auxiliary studio) or from a remote location back to the main studio. *See* 47 C.F.R. Part 74. *See also* [http://wireless.fcc.gov/services/index.htm?job=service\\_home&id=broadcast\\_auxiliary](http://wireless.fcc.gov/services/index.htm?job=service_home&id=broadcast_auxiliary).

<sup>31</sup> *See* 47 C.F.R. Part 25.

<sup>32</sup> *See id.* § 25.119(c).

E970117 in apparent willful violation of Section 310(d) of the Act<sup>33</sup> and Section 25.119 of the Rules.<sup>34</sup>

**B. Unauthorized Operation of Earth Station License**

9. Section 301 of the Act and Section 25.102(a) of the Rules prohibit the use or operation of any apparatus for the transmission of energy or communications or signals by an earth station except under and in accordance with a Commission granted authorization.<sup>35</sup>

10. Life on the Way admits that it began operating earth station E970117 on May 23, 2003, the date it consummated the assignment of the KTLW broadcast station license, and continued to operate the station until its STA request was granted on February 22, 2012.<sup>36</sup> As noted above, Life on the Way neither sought nor received Commission consent to the assignment of the license of earth station E970117 to Life on the Way.<sup>37</sup> Moreover, we have rejected Life on the Way's contention that the Media Bureau's approval of the KTLW Assignment Application also had the effect of granting consent to the assignment of the license of earth station E970117 to Life on the Way.<sup>38</sup> We therefore conclude that Life on the Way operated earth station E970117 in apparent willful and repeated violation of Section 301 of the Act<sup>39</sup> and Section 25.102(a) of the Rules<sup>40</sup> for an extended period of time, including for six years after the expiration of the station license.<sup>41</sup>

**C. Proposed Forfeiture for Unauthorized Operation**

11. Section 503(b)(1)(B) of the Act<sup>42</sup> and Section 1.80(a) of the Rules<sup>43</sup> provide that any person who willfully or repeatedly fails to comply with the provisions of the Act or the Rules shall be liable for a forfeiture penalty. For purposes of Section 503(b) of the Act, the term "willful" means that the violator knew that it was taking the action in question, irrespective of any intent to violate the Rules,

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<sup>33</sup> 47 U.S.C. § 310(d).

<sup>34</sup> 47 C.F.R. § 25.119.

<sup>35</sup> 47 U.S.C. § 301; 47 C.F.R. § 25.102(a). Section 25.121(c) of the Rules provides that the license term for an earth station is specified in the instrument of authorization. 47 C.F.R. § 25.121(c). Section 25.121(e) of the Rules requires the licensee of an earth station to file its renewal application "no earlier than 90 days, and no later than 30 days, before the expiration date of the license." *Id.* § 25.121(e). Absent a timely filed renewal application, an earth station license automatically terminates at the end of the license period. *Id.* § 25.161.

<sup>36</sup> *See* September 2012 Response at 2.

<sup>37</sup> *See supra* para. 7.

<sup>38</sup> *See supra* para. 8.

<sup>39</sup> 47 U.S.C. § 301.

<sup>40</sup> 47 C.F.R. § 25.102(a).

<sup>41</sup> Life on the Way also questioned why the original license for earth station E970117 was granted for a term of only 10 years when its new earth station license was issued for a 15-year term. *See* August 2012 Response at 2. In this regard, we note that former Section 25.121(a) of the Rules provided for the issuance of an earth station license with a maximum 10-year license term. 47 C.F.R. § 25.121(a)(2) (1997). In 2002, the Commission revised Part 25 to allow for earth station licenses with 15-year license terms. *See Amendment of the Commission's Space Station Licensing Rules and Policies, 2000 Biennial Regulatory Review -- Streamlining and Other Revisions of Part 25 of the Commission's Rules Governing the Licensing of, and Spectrum Usage by, Satellite Network Earth Stations and Space Stations*, Notice of Proposed Rulemaking and First Report and Order, 17 FCC Rcd 3847, 3894, para. 141 (2002).

<sup>42</sup> 47 U.S.C. § 503(b)(1)(B).

<sup>43</sup> 47 C.F.R. § 1.80(a).

and “repeated” means more than once or for more than one day.<sup>44</sup> Based on the record before us, it appears that Life on the Way’s apparent violations of Section 301 of the Act and Section 25.102(a) of the Rules are both willful and repeated.<sup>45</sup>

12. In determining the appropriate forfeiture amount, Section 503(b)(2)(E) of the Act directs us to consider factors such as “the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”<sup>46</sup> Section 1.80(b) of the Rules sets a base forfeiture amount of \$10,000 for operation of a station without Commission authority.<sup>47</sup> Accordingly, we herein propose the \$10,000 base forfeiture amount for Life on the Way’s operation of earth station E970117 without Commission authority.

13. Given the totality of the circumstances, and consistent with the *Forfeiture Policy Statement*, we conclude that a significant upward adjustment of the base forfeiture is warranted. In this regard, we are particularly mindful that Life on the Way’s apparent unlawful operation continued for an extended period of time, including for six years after the expiration of the station license.<sup>48</sup> We also note that Life on the Way was issued a *Notice of Apparent Liability for Forfeiture* for its apparent violation of Section 73.3539 of the Rules for failing to timely file a license renewal application for FM Translator Station K203CH, Juneau, Alaska.<sup>49</sup> We believe that Life on the Way’s prior violation of Section 73.3539

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<sup>44</sup> See 47 U.S.C. § 312(f)(1), (2). See also *Southern California Broad. Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388, para. 5 (1991), *recon. denied*, 7 FCC Rcd 3454 (1992) (*Southern California*) (the definitions of willful and repeated contained in the Act apply to violations for which forfeitures are assessed under Section 503(b) of the Act).

<sup>45</sup> While Section 503(b)(6) of the Act generally bars the Commission from proposing a forfeiture for violations that occurred more than one year prior to the issuance of a Notice of Apparent Liability, we may consider the fact that Life on the Way’s misconduct occurred over an extended period (during the more than eight year period between 2003 and 2012) to place “the violations in context, thus establishing the licensee’s degree of culpability and the continuing nature of the violations.” *Roadrunner Transportation Inc.*, Forfeiture Order, 15 FCC Rcd 9669, 9671-72, para. 8 (2000); see also *BASF Corporation*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 17300, 17302, para. 9 (Enf. Bur. 2010) (forfeiture paid) (*BASF Corporation*); *Call Mobile*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 74, 76, para. 10 (Enf. Bur. 2011) (response pending) (*Call Mobile*). The apparent unlawful operation in this case continued from May 23, 2003 (the date that Life on the Way commenced operation of earth station E970117) until February 22, 2012 (the date its STA request was granted). Therefore, the forfeiture amount we propose herein relates to Life on the Way’s apparent continuing violation of Section 301 of the Act and Section 25.102(a) of the Rules that ceased during the past year.

<sup>46</sup> 47 U.S.C. § 503(b)(2)(E). See also 47 C.F.R. § 1.80(b)(8), Note to paragraph (b)(8): Section II. Adjustment Criteria for Section 503 Forfeitures; *Forfeiture Policy Statement*, Report and Order, 12 FCC Rcd 17087, 17100, para. 27 (1997), *recon. denied*, 15 FCC Rcd 303 (1999) (*Forfeiture Policy Statement*).

<sup>47</sup> 47 C.F.R. § 1.80(b). See also *Forfeiture Policy Statement*, 12 FCC Rcd at 17099, para. 22 (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”).

<sup>48</sup> In the past, the Commission has upwardly adjusted the base forfeiture in cases where the unauthorized operation continued for an extended period of time. See *Emigrant Storage LLC*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 8917, 8920-21, para. 9 (Enf. Bur. 2012) (more than nine years of unauthorized operation); *BASF Corporation*, 25 FCC Rcd at 17303, para. 11 (five years of unauthorized operation); *Shubat Transportation Company*, Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 3782, 3786, para. 13 (Enf. Bur. 2011) (six years of unauthorized operation); *Call Mobile*, 26 FCC Rcd at 77, para. 12 (two and a half years of unauthorized operation).

<sup>49</sup> See *Life on the Way Communications, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 2126 (Med. Bur. 2007) (forfeiture paid).

of the Rules evidences a pattern of noncompliance and disregard for the Rules. We believe, however, that the severity of the apparent violations is slightly mitigated by Life on the Way's apparent good faith effort to obtain Commission authorization to operate earth station E970117<sup>50</sup> and to seek the necessary operating authority when it discovered that the license for station E970117 had expired.<sup>51</sup> While the record indicates that Life on the Way had been derelict in failing to obtain the necessary Commission authority to operate station E970117, Life on the Way's efforts to come into compliance preceded the Bureau's investigation and the initiation of enforcement action.<sup>52</sup> In view of all the factual circumstances presented, and after weighing the upward and downward adjustment factors, we propose a total forfeiture of \$18,000 against Life on the Way for apparently willfully and repeatedly violating Section 301 of the Act<sup>53</sup> and Section 25.102(a) of the Rules.<sup>54</sup>

#### **D. Admonishment for Unauthorized Assignment of License**

14. The record establishes that Life on the Way failed to obtain prior Commission consent to the assignment of the license for station E970117.<sup>55</sup> Although we believe that a monetary forfeiture

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<sup>50</sup> See *supra* para. 5.

<sup>51</sup> Life on the Way asserts that it discovered that the E970117 license had expired on or about October 5, 2011. See August 2012 Response at 1.

<sup>52</sup> See 47 C.F.R. § 1.80(b)(8), Note to Paragraph (b)(8): *Adjustment Criteria for Section 503 Forfeitures* (establishing "good faith or voluntary disclosure" as a downward adjustment factor). We decline to further downwardly adjust the forfeiture amount. Life on the Way's assertion that the E970117 license was inadvertently allowed to expire because no renewal reminder was received is not persuasive. At the outset, we note that as of April 16, 2007, the expiration date of the E970117 station license, Life on the Way was not the licensee of the earth station, and therefore had no authority either to operate or renew the station license. In addition, the International Bureau is not obligated to provide licensees with reminders of their license renewal obligations. Nevertheless, we note that the Commission has previously indicated that renewal reminders are provided as a courtesy to licensees and that a licensee's obligation to timely file a renewal application is not dependent upon the Commission sending a renewal notice to the licensee. See, e.g., *Biennial Regulatory Review – Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services*, 13 FCC Rcd 21027, 21071, para. 96 (1998) (noting that the renewal reminder letter is a "convenience to licensees [and] does not in any way absolve licensees from timely filing their renewal applications"). Life on the Way's apparent unfamiliarity with the Commission's procedures for obtaining the approval for the assignment of an earth station license also does not warrant favorable consideration. See *Southern California*, 6 FCC Rcd at 4387, para. 3 (stating that "inadvertence ... is at best, ignorance of the law, which the Commission does not consider a mitigating circumstance"). See also *Profit Enterprises, Inc.*, Forfeiture Order, 8 FCC Rcd 2846, 2846, para. 5 (1993) (denying the mitigation claim of a manufacturer/distributor who thought that the equipment certification and marketing requirements were inapplicable, stating that its "prior knowledge or understanding of the law is unnecessary to a determination of whether a violation existed ... ignorance of the law is [not] a mitigating factor"); *Lakewood Broad. Serv., Inc.*, Memorandum Opinion and Order, 37 FCC 2d 437, 438, para. 6 (1972) (denying a mitigation claim of a broadcast licensee who asserted an unfamiliarity with the station identification requirements, stating that licensees are expected "to know and conform their conduct to the requirements of our rules"); *Kenneth Paul Harris, Sr.*, Notice of Apparent Liability for Forfeiture, 15 FCC Rcd 12933, 12935, para. 7 (Enf. Bur. 2000) (denying a mitigation claim of a broadcast licensee, stating that its ignorance of the law did not excuse the unauthorized transfer of the station); *Maxwell Broad. Group, Inc.*, Memorandum Opinion and Order, 8 FCC Rcd 784, 784, para. 2 (Mass Med. Bur. 1993) (denying a mitigation claim of a noncommercial broadcast licensee, stating that the excuse of "inadverten[ce], due to inexperience and ignorance of the rules ... are not reasons to mitigate a forfeiture" for violation of the advertisement restrictions).

<sup>53</sup> 47 U.S.C. § 301.

<sup>54</sup> 47 C.F.R. § 25.102(a).

<sup>55</sup> See *supra* para. 8.

would be warranted for this violation, we note that the statute of limitations for proposing a forfeiture is one year from the date of the violation.<sup>56</sup> Accordingly, based on our review of the facts and circumstances of this case, we admonish Life on the Way for engaging in the unauthorized assignment of the license of station E970117 in apparent willful violation of Section 310(d) of the Act and Section 25.119 of the Rules.<sup>57</sup>

#### IV. ORDERING CLAUSES

15. Accordingly, **IT IS ORDERED** that, pursuant to Section 503(b) of the Communications Act of 1934, as amended,<sup>58</sup> and Sections 0.111, 0.311 and 1.80 of the Commission's rules,<sup>59</sup> Life on the Way Communications, Inc. **IS** hereby **NOTIFIED** of its **APPARENT LIABILITY FOR A FORFEITURE** in the amount of eighteen thousand dollars (\$18,000) for its apparent willful and repeated violation of Section 301 of the Communications Act of 1934, as amended,<sup>60</sup> and Section 25.102(a) of the Commission's rules.<sup>61</sup>

16. **IT IS FURTHER ORDERED** that Life on the Way Communications, Inc. **IS ADMONISHED** for its violation of Section 310(d) of the Communications Act of 1934, as amended,<sup>62</sup> and 25.119 of the Commission's rules.<sup>63</sup>

17. **IT IS FURTHER ORDERED** that, pursuant to Section 1.80 of the Commission's rules<sup>64</sup> within thirty days of the release date of this Notice of Apparent Liability for Forfeiture and Admonishment, Life on the Way Communications, Inc. **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 20 below.

18. Payment of the forfeiture must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account number and FRN referenced above. Life on the Way Communications, Inc. shall send electronic notification of payment to JoAnn Lucanik at JoAnn.Lucanik@fcc.gov, Kathy Harvey at Kathy.Harvey@fcc.gov, and Samantha Peoples at Sam.Peoples@fcc.gov on the date said payment is made. Regardless of the form of payment, a completed FCC Form 159 (Remittance Advice) must be submitted.<sup>65</sup> When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters "FORF" in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:

- 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-

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<sup>56</sup> See 47 U.S.C. § 503(b)(6)(A); 47 C.F.R. § 1.80(c)(1).

<sup>57</sup> 47 U.S.C. § 310(d); 47 C.F.R. § 25.119(a), (c).

<sup>58</sup> 47 U.S.C. § 503(b).

<sup>59</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80.

<sup>60</sup> 47 U.S.C. § 301.

<sup>61</sup> 47 C.F.R. § 25.102(a).

<sup>62</sup> 47 U.S.C. § 310(d).

<sup>63</sup> 47 C.F.R. § 25.119(a), (c).

<sup>64</sup> *Id.* § 1.80.

<sup>65</sup> An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then 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.

19. Any request for full payment under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 445 12th Street, SW, Room 1-A625, Washington, DC 20554.<sup>66</sup> If you have questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, [ARINQUIRIES@fcc.gov](mailto:ARINQUIRIES@fcc.gov).

20. 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 1.80(f)(3) and 1.16 of the Commission's rules.<sup>67</sup> The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554, ATTN: Enforcement Bureau – Spectrum Enforcement Division, and must include the NAL/Account Number referenced in the caption. The statement must also be emailed to Kathy Harvey at [Kathy.Harvey@fcc.gov](mailto:Kathy.Harvey@fcc.gov) and to JoAnn Lucanik at [JoAnn.Lucanik@fcc.gov](mailto:JoAnn.Lucanik@fcc.gov). The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation.

21. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture and Admonishment shall be sent by first class mail and certified mail return receipt requested to Gary Curtis, Vice President, Life on the Way Communications, Inc., 14820 Sherman Way, Van Nuys, CA 91405-2233, and to Jeffrey D. Southmayd, Esq., Counsel for Life on the Way Communications, Inc., Southmayd & Miller, 4 Ocean Ridge Boulevard South, Palm Coast, FL 32137.

FEDERAL COMMUNICATIONS COMMISSION

John D. Poutasse  
Chief, Spectrum Enforcement Division  
Enforcement Bureau

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<sup>66</sup> See 47 C.F.R. § 1.1914.

<sup>67</sup> *Id.* §§ 1.80(f)(3), 1.16.