

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

DEC 10 2014

OFFICE OF
MANAGING DIRECTOR

Mr. Jason Reed
Jax Broadcasting, LLC
1000 Potomac St., NW
Fifth Floor
Washington, DC 20007

Licensee/Applicant: **Jax Broadcasting, LLC**
Waiver and Refund Request: Late Payment Penalty
Disposition: **Denied** (47 C.F.R. §§ 1.1157(c)(1),
1.1164)
Fee: Fiscal Year (FY) 2014 Regulatory Fee Late
Fees
Station: N/A
Date Requests Filed: Oct. 7, 2014
Date Regulatory Fee Paid: Sep. 30, 2014
Date Late Penalty Fee Paid: Sep. 30, 2014
Fee Control No.: RROG-14-00015765

Dear Mr. Reed:

This responds to Licensee's *Request*¹ for waiver and refund of the penalties for late payment of the Fiscal Year (FY) 2014 regulatory fees. For the reasons stated herein, we deny the *Request*.

On September 30, 2014, seven days after the due date,² Licensee paid its FY 2014 regulatory fee. Thereafter, on October 7, 2014, Licensee requested that "the late fee ... be waived. With ignorance being no excuse, [Licensee] thought regulatory fees were due by the 30th of September. ... The [late penalty] is almost unbearable. [Licensee] realize[s] that [he is] at fault ... however ... help that could be offered would be ... appreciated."³

Under 47 U.S.C. § 159 and the Commission's implementing rules, we are required to "assess and collect regulatory fees" to recover the costs of the Commission's regulatory activities,⁴ and when the required payment is received late or it is incomplete, to assess a penalty equal to "25 percent of the amount of the fee which was not paid in a timely manner."⁵ Specifically, "[a]ny late payment or insufficient payment of a regulatory fee, not excused by

¹ Letter from Jason Reed, Jax Broadcasting, LLC to Marlene Dortch, Secretary, FCC, Attn: Office of the Managing Director, Regulatory Fee Waiver/Reduction Request, 445 12th St., S.W., Room TW-B204, Washington, DC 20554 (Oct. 7, 2014) (*Request*) with enclosure, Electronic Form 159, FCC Online Payment Receipt, PAID: 9/30/2014.

² See FY 2014 Regulatory Fees Due No Later Than September 23, 2014, 11:59 pm Eastern Time (ET), *Public Notice*, DA 14-1261 (Aug. 29, 2014).

³ *Request*.

⁴ 47 U.S.C. § 159(a)(1); 47 C.F.R. § 1.1151.

⁵ 47 U.S.C. § 159(c)(1); 47 C.F.R. §§ 1.1157(c)(1), 1.1164.

bank error, shall subject the regulatee to a 25 percent penalty of the amount of the fee ... which was not paid in a timely manner.”⁶

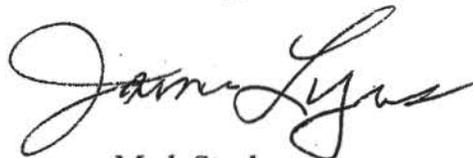
Each year, the Commission establishes the final day on which payment must be received before it is considered late, *i.e.*, a deadline after which the Commission must assess charges that include the statutory late payment penalty required by 47 U.S.C. § 159(c)(1) and 47 C.F.R. §§ 1.1157(c)(1) and 1.1164, and additional charges of interest, penalties, and charges of collection required by 31 U.S.C. § 3717 and 47 C.F.R. § 1.1940. For FY 2014, the deadline for paying regulatory fees was September 23, 2014. Unfortunately, we did not receive Licensee’s regulatory fee payment until September 30, 2014. After making payment, Licensee asked for a waiver and refund of the statutory penalties and charges asserting inadvertence.

When we evaluate such matters, we consider whether the *Request* petitioning for a waiver of the statutory penalty and accrued interest, penalty, and charges of collection establishes the existence of bank error or presents legal grounds or clear mitigating circumstances to waive collection of the penalty. Licensee’s *Request* does not.

Licensee did not raise valid grounds for relief. The penalty required by 47 U.S.C. § 159(c)(1) and charges required by 31 U.S.C. § 3717 are not limited to situations where the failure to pay was knowing or willful. Indeed, neither the statute nor the Commission’s regulations contemplates a waiver of or reduction in the late payment penalty based on matters such as the amount of time after the deadline within which the regulatee satisfies its payment obligations or inadvertence.

If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



MS: Mark Stephens
Chief Financial Officer

Copy furnished:

JAX Broadcasting, LLC
236 Woodland Dr.
Shelbyville, TN 37160

⁶ 47 C.F.R. § 1.1164.