

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

DEC 10 2014

OFFICE OF  
MANAGING DIRECTOR

Jerrold Miller, Esq.  
Miller and Neely, PC  
3750 University Blvd. W., Suite 203  
Kensington, MD 20895

Licensee/Applicant: **People's Broadcasting  
Network, LLC**

Waiver and Deferral of Payment; Financial  
Hardship

Disposition: **Dismissed** (47 U.S.C. § 159(c)(2); 47  
C.F.R. §§ 1.1157(c)(1), 1.1166(c))

Station: **WDJZ**

Fee: Fiscal Year (FY) 2014 Regulatory Fees

Date Request Submitted: Sep. 23, 2014

Date Regulatory Fees Paid: Not paid

Fee Control No.: RROG-14-00015397

Amount Due: **See Fee Filer**

Dear Counsel:

This responds to Licensee's *Request*<sup>1</sup> for a waiver and deferral of the Fiscal Year (FY) 2014 regulatory fees on grounds of financial hardship. As we discuss below, because Licensee failed to include the required supporting financial documentation with its *Petition*, we dismiss the *Request* and demand full payment of the regulatory fee, penalty, and charges of collection.

On September 23, 2014, Licensee submitted its *Request* with the *Petition* that stated, in part, "licensee is simultaneously requesting a waiver of the fee, and a petition for deferral ... pursuant to [47 C.F.R. §] 1.1160(c) [sic] ... the licensee [has] little or no source of income other than the radio station, which has barely been breaking even ... licensee is in the process of preparing the necessary documentation to demonstrate good grounds for waiver of the regulatory fee payment, and will submit this shortly."<sup>2</sup> The *Petition* is incomplete and it does not meet our standard.

<sup>1</sup> Letter from Jerrold Miller, Esq, Miller and Neely, PC; Suite 203, 3750 University Blvd., W., Kensington, MD 20895 to Secretary, FCC, Attn: Office of Managing Director, Washington, DC 20554 (Sep. 23, 2014) (*Request*) submitted with People [sic] Broadcasting Network, LLC, Radio Station WDJZ (AM), Bridgeport CT, FAC 8516 to Marlene H. Dortch, Federal Communications Commission, Office of the Secretary, *Petition For Deferral of Regulatory Fee* (dated Sep. 22, 2014) (*Petition*).

<sup>2</sup> *Petition* at 1.

Our rule, 47 C.F.R. § 1.1166, provides, in part,

The fees established by sections 1.1152 through 1.1156 may be waived, reduced or deferred in specific instances, on a case-by-case basis, where good cause is shown and where waiver, reduction or deferral of the fee would promote the public interest. ...

(a) Requests for waivers, reductions or deferrals will be acted upon by the Managing Director ... filings within the scope of the fee rules shall be filed as a separate pleading and clearly marked to the attention of the Managing Director. Any such request that is not filed as a separate pleading will not be considered by the Commission.

\* \* \*

(2) If no fee payment is submitted, the request should be filed with the Commission's Secretary.

(b) Deferrals of fees, if granted, will be for a designated period of time not to exceed six months.

(c) ... Waiver requests that do not include the required fees or forms will be dismissed unless accompanied by a petition to defer payment due to financial hardship, supported by documentation of the financial hardship.

Emphasis added.

In its *Request*, Licensee stated, it “understands that significant documentation of its financial situation is required. It is preparing such documentation and will supply it promptly when available. Pursuant to Section 1.1166(c) ... a petition for deferment is being filed simultaneously.”<sup>3</sup> As such, Licensee acknowledges our requirements, including the consequence of failing to supply the financial documentation, *i.e.*, dismissal of the *Request*. Licensee’s assertion that documentation is being prepared for later submission does not alleviate the omission. Consequently, under 47 C.F.R. § 1.1166(c), we dismiss the *Request*.<sup>4</sup>

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<sup>3</sup> *Request*.

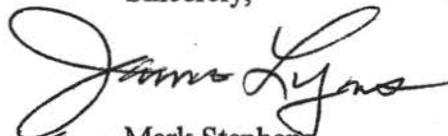
<sup>4</sup> Waivers, Reductions and Deferments of Regulatory Fees, *Regulatory Fees Fact Sheet* (Sep. 5, 2013) 2013 WL 4773993 (F.C.C.) (“The Commission will dismiss any petition for waiver of a regulatory fee that does not include a payment or the required petition for deferral and supporting documentation, and under 47 U.S.C. § 159(c) and 31 U.S.C. §3717, the Commission is required to impose the 25% penalty and other relevant charges. A request for waiver, reduction or deferral must be received before the fee due date. \* \* \* The Commission will dismiss a waiver request filed by a delinquent debtor or a petition that does not have the required financial documentation.”).

Our disposition means Licensee is delinquent in paying the fee as of September 23, 2014, on which date we imposed the statutory penalty<sup>5</sup> and began to accrue charges of collection,<sup>6</sup> which continue to accrue until Licensee pays the debt in full. A petition for reconsideration or an application for review of a fee determination will not relieve Licensee from the requirement to submit full and proper payment of the underlying fee and charges.<sup>7</sup> Moreover, this provides notice that under the law,<sup>8</sup> we will apply debt collection procedures.<sup>9</sup> Licensee should refer to the Commission's fee filer website to determine a payoff, and immediately make full payment with a Form 159.<sup>10</sup>

In addition to notifying Licensee it is delinquent in paying a debt owed the United States, this notifies Licensee that under 31 U.S.C. § 3711(g), without further notice, and usually within 180 days or less of delinquency, we will transfer the delinquent debt to Treasury, which will initiate collection action through private collection activities and assess additional charges. In addition, we may refer the debt to the Department of Justice, which may result in litigation and additional costs. Moreover, under 31 U.S.C. § 3716, 31 C.F.R. § 285.5, and 47 C.F.R. § 1.1912, some or all of the debt may be collected by non-centralized or centralized administrative offset. Also, under 31 U.S.C. § 3711(e), this debt and Licensee's payment history will be reported to credit reporting information bureaus. Because we have furnished notice here, Licensee may not receive another notification of this process. Finally, Licensee will be red lighted<sup>11</sup> until it pays all delinquent debts or it makes other satisfactory arrangements.<sup>12</sup>

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

  
For: Mark Stephens  
Chief Financial Officer

<sup>5</sup> 47 U.S.C. § 159; 47 C.F.R. § 1.1166.

<sup>6</sup> 31 C.F.R. § 3717.

<sup>7</sup> 47 C.F.R. § 1.1167(b).

<sup>8</sup> See 47 C.F.R. § 1.1901, *et seq.*

<sup>9</sup> See 31 C.F.R. § 3717.

<sup>10</sup> Form 159 with complete instructions is at <http://www.fcc.gov/fees/form159.html>.

<sup>11</sup> See 47 C.F.R. § 1.1910(b)(2) ("Action will be withheld on applications, including on a petition for reconsideration or any application for review of a fee determination, or request for authorization by any entity found to be delinquent in its debt to the Commission ..."); 47 C.F.R. § 1.1164(e) ("Any pending or subsequently filed application submitted by a party will be dismissed if that party is determined to be delinquent in paying a standard regulatory fee or an installment payment.").

<sup>12</sup> See 47 C.F.R. § 1.1914 ("If a debtor is financially unable to pay a debt in one lump sum, the Commission, in its sole discretion, may accept payment in regular installments.").