

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

SEP 24 2014

OFFICE OF  
MANAGING DIRECTOR

Bennie J. Wells  
Owner and General Manager  
SPB, LLC  
699 Matson Rd  
Columbus, MS 39705-9102

Licensee/Applicants: **SPB, LLC**  
Waiver of Late Penalties Payment Request:  
Financial Hardship  
Disposition: **Dismissed** (47 C.F.R. §§ 1.1164,  
1.1910)  
Station: WABG  
FRN: 0017051509  
Fee: Fiscal Year (FY) 2010, FY 2012, and FY 2013  
Regulatory Fee Penalties  
Date Request Filed: Mar. 13, 2014  
Date Regulatory Fees Paid (FY 2013): Not Paid  
Fee Control No.: RROG-13-00015568  
**See Fee Filer**

Dear Mr. Wells:

This responds to Licensee's *Request*<sup>1</sup> for waiver of the penalty, charges of collection, and additional statutory charges imposed because Licensee failed to pay when due the required Fiscal Year (FY) 2010, FY 2012 and FY 2013 regulatory fees. As we discuss below, because Licensee remains a delinquent debtor, and Licensee failed to provide any supporting documentation, we dismiss and demand full payment of all delinquent amounts.

On March 3, 2014, Licensee submitted to the Commission's lockbox an email attachment of a letter requesting assistance in paying delinquent debts for FY 2010, FY 2012, and FY 2013, and a request that the Commission "consider ... removing the penalties and late fees" because the station "has lost financially and the station is currently in debt."<sup>2</sup> Our records show that Licensee is delinquent<sup>3</sup> in paying its debts to the Commission, including the required FY 2013

<sup>1</sup> Email from Bennie J. Wells, Owner/General Manager, SPB, Inc., to FCC via US Bank lockbox (dated Mar. 3 2014; rec'd Mar. 13, 2104)(arinquies@fcc.gov)(*Request*). Licensee's submission does not comply with the Commission's rules (47 C.F.R. § 1.1166(a)(2)).

<sup>2</sup> *Request*.

<sup>3</sup> 47 C.F.R. § 1.1901(i).

regulatory fees and accrued charges as set forth at 31 U.S.C. § 3717 and 47 C.F.R. § 1.1940. Some of these debts have been referred to the Secretary of Treasury for collection, thus Licensee must contact Treasury to make payment. Accordingly, under 47 C.F.R. §§ 1.1164(e)<sup>4</sup> and 1.1910,<sup>5</sup> we dismiss the *Request* and demand immediate payment. Furthermore, our dismissal of the *Request* includes dismissal of the incomplete request to defer payment of the FY 2013 fees. A petition to defer payment must be received before the due date of the fee. To the extent Licensee asked to defer payment of the delinquent FY 2013 regulatory fee, it is untimely and it failed to comply with 47 C.F.R. § 1.1166(e) that requires Licensee to furnish the documentation of financial hardship with the *separate* petition to defer payment.

Until Licensee makes full payment of the fees, late payment penalties,<sup>6</sup> and charges of collection under 31 U.S.C. § 3717 and 47 C.F.R. § 1.1940,<sup>7</sup> we continue to assess those charges, and we will withhold action on and thereafter dismiss any pending application.<sup>8</sup> Additional charges accrue on debts referred to the Secretary of Treasury.<sup>9</sup> Furthermore, this notifies Licensee that under 31 U.S.C. § 3711(g), without further notice, and usually within 180 days or less of delinquency, we transfer delinquent debts to Treasury, which initiates collection action and assesses additional charges. In addition, we may refer debts 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, and under 31 U.S.C. § 3711(e), these debts and Licensee's payment history will be reported to credit reporting information bureaus. Because we furnish notice here, Licensee may not receive another notification of this process. Finally, Licensee will be red lighted<sup>10</sup> until it pays the debts or makes other satisfactory arrangements.<sup>11</sup>

<sup>4</sup> 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. The application may be resubmitted only if accompanied by the required regulatory fee and by any assessed penalty payment.").

<sup>5</sup> 47 C.F.R. § 1.1910(a)(2) & (3) ("Action will be withheld on applications, including on a petition for reconsideration or any application for review of a fee determination, or requests for authorization by any entity found to be delinquent in its debt to the Commission ... If a delinquency has not been paid or the debtor has not made other satisfactory arrangements within 30 days of the date of the notice provided pursuant to paragraph (b)(2) of this section, the application or request for authorization will be dismissed.").

<sup>6</sup> 47 U.S.C. § 159(c).

<sup>7</sup> 31 U.S.C. § 3717; 47 C.F.R. § 1.1940 ("the Commission shall charge interest, penalties, and administrative costs on debts owed to the United States pursuant to 31 U.S.C. 3717 ... These charges shall continue to accrue until the debt is paid in full or otherwise resolved through compromise, termination, or waiver of the charges.").

<sup>8</sup> 47 C.F.R. § 1.1910(a)(2) & (3) ("Action will be withheld on applications, including on a petition for reconsideration or any application for review of a fee determination, or requests for authorization by any entity found to be delinquent in its debt to the Commission ... If a delinquency has not been paid or the debtor has not made other satisfactory arrangements within 30 days of the date of the notice provided pursuant to paragraph (b)(2) of this section, the application or request for authorization will be dismissed.").

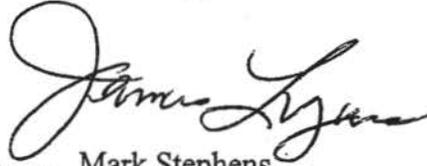
<sup>9</sup> Under 31 U.S.C. § 3711(g) and 31 C.F.R. § 285.12, debts delinquent 180 days are transferred to the Secretary of Treasury for collection, and Treasury "may charge fees sufficient to cover the full cost of providing debt collection services ... Fees ... may be added to the debt ...."

<sup>10</sup> 47 C.F.R. 1.1910(a).

<sup>11</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.").

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Stephens". The signature is written in a cursive, flowing style with a large initial "M".

For: Mark Stephens  
Chief Financial Officer