

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 26 2013

OFFICE OF  
MANAGING DIRECTOR

Debra Goodworth  
Bruno-Goodworth Network, Inc.  
975 Greentree Road  
Pittsburgh, PA 15220

Re: Waiver Request (Financial Hardship; 47 U.S.C. § 159(c); 47 C.F.R. §§ 1.1164(c) & (e), 1.1910)  
Licensee/Applicant: Bruno Goodworth Network, Inc.

Stations: WBGN-CD, WWLM-CA, WMVH-CA, WKHU-CA, WJPW-CA, WVTX-CA, WNNB-CD, WJMB-CD, WEMW-CD, WPCP-CD, and WWKH-CA

Fee: Fiscal Year (FY) 2012 Regulatory Fees

Date Request Filed: Sep. 27, 2012

(Rec'd) Oct. 9, 2012

Fee Control No.: RROG 12-00014822

Total Regulatory Fees: \$4,235.00

Total 25% Late Payment Penalties: \$1,058.75

Cost of collection: \$ 550.00

Interest (1%) \$ 44.11

Penalties (6%) \$ 264.68

**Total Due: \$6,152.54**

Dear Ms. Goodworth:

This responds to Licensee's *Request*<sup>1</sup> for a waiver of the required Fiscal Year (FY) 2012 regulatory fees, which were due September 13, 2012.<sup>2</sup> Our records reveal that Licensee did not pay the \$4,235.00 FY 2012 regulatory fees by the due date for Stations WBGN-CD, WWLM-CA, WMVH-CA, WKHU-CA, WJPW-CA, WVTX-CA, WNNB-CD, WJMB-CD, WEMW-CD, WPCP-CD, and WWKH-CA. Thus, the fees were delinquent, but rather than paying the delinquent fees and statutory penalties,<sup>3</sup> on September 27, 2012, Licensee prepared its *Request*

<sup>1</sup> In the matter of: Waiver of Regulatory Fee for FY 2012 of Bruno Goodworth Network, Inc Licensee of WBGN-CD, *et al.* (Sep. 27, 2012)(rec'd Oct. 9, 2012) (*Request*).

<sup>2</sup> See FY 2012 Regulatory Fees Due No Later Than September 13, 2012, *Public Notice*, DA 12-1295 (Aug. 13, 2012) ("Filers must ensure that their regulatory fee payments are RECEIVED at the Commission's St. Louis, Missouri address by 11:59 PM on September 13, 2012, Eastern Daylight Time, to avoid incurring a 25 percent late-payment penalty, along with interest and other fees."); Reminder That FY 2012 Regulatory Fees Are Due No Later Than September 13, 2012, Eastern Time (ET), *Public Notice*, DA 12-1423 (Aug. 31, 2012), 27 FCC Rcd 10297 (2012).

<sup>3</sup> 47 C.F.R. § 1.1164; 47 U.S.C. §159(c)(1).

and *Petition*<sup>4</sup> to defer payment until after a ruling on the *Request*. Those two matters were filed on October 9, 2013.<sup>5</sup> For the reasons discussed next, we dismiss Licensee's *Petition* and *Request* and demand full payment of the regulatory fees and all accrued statutory penalties and additional charges.

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,<sup>6</sup> and "[a]ny late payment or insufficient payment of a regulatory fee, not excused by 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."<sup>7</sup>

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. § 1.1164, as well as interest, penalties, and charges of collection required by 31 U.S.C. § 3717 and 47 C.F.R. § 1.1940. For FY 2012, the deadline was September 13, 2012.<sup>8</sup> The Commission did not receive Licensee's payments or its *Petition* by the specified date, thus the Commission assessed the mandatory statutory penalty, and when the debt for each station remained delinquent, the Commission assessed the additional required charges. From that date, and until the delinquent fees and accrued charges are paid in full, under 47 C.F.R. §§ 1.1164(e) and 1.1910(b), any filing is subject to dismissal. Because the debts remain delinquent, we dismiss Licensee's *Petition* and *Request*.

To avoid accrual of additional charges, Licensee must pay the amount reported on the Commission's Fee Filer website. Our preliminary calculation of Licensee's debt, \$6,152.54 for the FY 2012 regulatory fees, 25% penalties, and other charges, may have increased as charges continue to accrue. If Licensee does not pay the full amount of the debts, we will assess additional interest and penalties, and under the law,<sup>9</sup> apply debt collection procedures.<sup>10</sup>

Because Licensee is delinquent in paying a debt owed the United States, this provides notification 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,

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<sup>4</sup> In the Matter of: Petition for Deferral of Payment of Regulatory Fees Until After a Ruling on Petitioner's Regulatory Fee Waiver Request for 2012, WBGN-CD, *et al.* (Sep. 27, 2012) (rec'd Oct. 9, 2012) (*Petition*).

<sup>5</sup> 47 C.F.R. § 1.7 ("pleadings and other documents are considered to be filed with the Commission upon their receipt at the location designated by the Commission.").

<sup>6</sup> 47 U.S.C. § 159(a)(1); 47 C.F.R. § 1.1151.

<sup>7</sup> 47 C.F.R. § 1.1164; 47 U.S.C. § 159(c)(1).

<sup>8</sup> See FY 2012 Regulatory Fees Due No Later Than September 13, 2012, *Public Notice*, DA 12-1295 (Aug. 13, 2012) ("Filers must ensure that their regulatory fee payments are RECEIVED at the Commission's St. Louis, Missouri address by 11:59 PM on September 13, 2012, Eastern Daylight Time, to avoid incurring a 25 percent late-payment penalty, along with interest and other fees."); Reminder That FY 2012 Regulatory Fees Are Due No Later Than September 13, 2012, Eastern Time (ET), *Public Notice*, DA 12-1423 (Aug. 31, 2012), 27 FCC Rcd 10297 (2012).

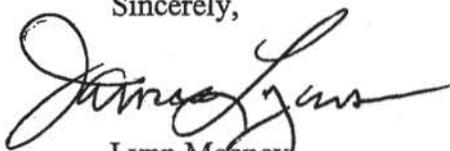
<sup>9</sup> See 47 C.F.R. § 1.1901, *et seq.*

<sup>10</sup> See 31 C.F.R. § 3717.

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 the debt or 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,



FM: Lynn Mooney  
Acting Chief Financial Officer

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<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.").