

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 24 2013

OFFICE OF  
MANAGING DIRECTOR

Benjamin Perez  
Abacus Television  
514 Chautauqua Street  
Pittsburgh, PA 15214

Re: (Supplement to Regulatory Fee Waiver  
Request, Financial Hardship; 47 U.S.C. § 159(c); 47  
C.F.R. §§ 1.1164(c) & (e); 1.1910)  
Licensee/Applicant: Abacus Television  
Stations: WIIC-LP; WPTG-LP; WWBP-LP;  
WWAT-CA; WQVC-CA; WBYD-CA; WBOA-LP;  
WWVW-LP; WTOO-CA; WSSS-LP; and WJKF-  
CA  
Date Submitted: Aug. 12, 2013  
Fee: Fiscal Year (FY) 2010 Regulatory Fees  
Fee Control No: RROG-12-00015338

Dear Mr. Perez:

This responds to Licensee's Supplement to Request for Waiver of Regulatory Fee (*Supplement*)<sup>1</sup> pertaining to the Commission's dismissal and denial of Licensee's request to waive the Fiscal Year (FY) 2010 regulatory fees (*Dismissal*).<sup>2</sup> For the reasons discussed herein, we dismiss the *Supplement*.

On August 28, 2010, Licensee requested a waiver the FY 2010 regulatory fees,<sup>3</sup> but without either paying the required fees or petitioning the Commission to defer payment supported with documentation of financial hardship. On May 17, 2011, we dismissed and denied<sup>4</sup> Licensee's *Request* explaining that under 47 C.F.R. § 1.1164, we dismiss a waiver request that does not include either the full amount of the fee or a properly supported petition to defer payment, and, in the alternative, we denied the Request because Licensee failed to present a compelling case of financial hardship. Our *Dismissal* included notice that the total regulatory fees plus the required twenty-five percent penalty<sup>5</sup> were due, and to avoid additional charges, Licensee had to make payment within 30 days. We have no record of payment. Accordingly, the

<sup>1</sup> In the matter of: Waiver of Regulatory Fee for FY 2010 of Abacus Television, 1801 Columbia Road, N.W., Suite 101, Washington, DC 20009, Licensee of WIIC-LP, *et al.* (undated) (rec'd Aug. 12, 2013) (*Supplement*).

<sup>2</sup> Letter from Mark Stephens, Chief Financial Officer, FCC, Washington, DC 20554 to Mr. Benjamin Perez, Abacus Television, 514 Chautauqua St., Pittsburgh, PA 15214 (May 17, 2011) (*Dismissal*).

<sup>3</sup> In the matter of: Waiver of Regulatory Fee for FY 2009 (sic) of Abacus Television, 1801 Columbia Road, N.W., Suite 101, Washington, DC 20009, Licensee of WIIC-LP, *et al.* (Aug. 28, 2010) (*Request*).

<sup>4</sup> *Id.*

<sup>5</sup> 47 C.F.R. § 159(c), 47 C.F.R. § 1.1164(c).

debts remain delinquent, and under 31 U.S.C. § 3717 and 47 C.F.R. § 1.1940, additional charges accrue.

Because Licensee is delinquent in paying the FY 2010 regulatory fees and fees due for other years, we dismiss the *Supplement* without action.<sup>6</sup> Moreover, because Licensee is delinquent, under 47 C.F.R. § 1.1910, Licensee is subject to the Commission red-light rule, and the Commission will withhold action on any application filed or pending and dismiss. *See* 47 C.F.R. §§ 1.1108, 1.1109, 1.1116, and 1.1118. Any Commission action taken prior to the payment of delinquent non-tax debt owed to the Commission is contingent and subject to rescission. Failure to make payment on any delinquent debt is subject to collection of the debt, including interest thereon, any associated penalties, and the full cost of collection to the Federal government pursuant to the provisions of the Debt Collection Improvement Act, 31 U.S.C. § 3717. Moreover, the Commission may collect amounts due by administrative offset.<sup>7</sup>

The delinquent fees and accrued charges are past due. Licensee should confirm a payoff amount by going to the Commission's Fee Filer website or, if the debts have been transferred to the United States Treasury, contact that office for a payoff amount. Interest and penalties continue to accrue from the date of delinquency, and under the law,<sup>8</sup> we will apply debt collection procedures.<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 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>10</sup> until it pays the debt or makes other satisfactory arrangements.<sup>11</sup>

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<sup>6</sup> 47 C.F.R. § 1.1164(e).

<sup>7</sup> 47 C.F.R. § 1.1912.

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

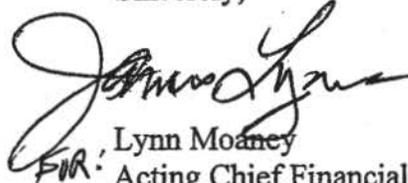
<sup>9</sup> *See* 31 C.F.R. § 3717.

<sup>10</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>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 you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Lynn Moaney". The signature is fluid and cursive, with a large initial "L".

*FIR:* Lynn Moaney  
Acting Chief Financial Officer