

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 1 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 Filed: Aug. 12, 2013

Fee: Fiscal Year (FY) 2012 Regulatory Fees

Fee Control No: RROG-12-00015340

Dear Mr. Perez:

This responds to Licensee's Supplement to Request for Waiver of Regulatory Fee (*Supplement*)¹ pertaining to an earlier filed request to waive the Fiscal Year (FY) 2012 regulatory fees on the above stations (*Request* and *Petition*)², which the Commission subsequently dismissed and denied (*Dismissal*).³ For the reasons discussed herein, we dismiss the *Supplement*.

On October 9, 2012, the Commission received⁴ Licensee's request for a waiver of the FY 2012 regulatory fees and petition to defer payment.⁵ On August 29, 2013, we dismissed and denied⁶ Licensee's *Request* explaining that the filings were received late,⁷ and because the fees were not paid before the fee filing deadline, Licensee was delinquent. Accordingly, under 47 C.F.R. § 1.1164(c), we dismissed the *Request*. Furthermore, we explained, in the alternative, under 47 C.F.R. § 1.1164(e), dismissal was appropriate because Licensee was delinquent in

¹ In the matter of: Waiver of Regulatory Fee for FY 2012 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*).

² In the matter of: Waiver of Regulatory Fee for FY 2011 (sic) of Abacus Television, 1801 Columbia Road, N.W., Suite 101, Washington, DC 20009, Licensee of WIIC-LP, *et al.* (Sep. 27, 2012)(rec'd Oct. 9, 2012) (*Request*); 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, WIIC-LP, *et al.* (Sep. 28, 2012) (rec'd Oct. 9, 2012)(*Petition*).

³ Letter from Mark Stephens, Chief Financial Officer, FCC, Washington, DC 20554 to Mr. Benjamin Perez, Abacus Television, 514 Chautauqua St., Pittsburgh, PA 15214 (Aug. 29, 2013) (*Dismissal*).

⁴ See 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.").

⁵ *Request; Petition*.

⁶ *Dismissal*.

⁷ See 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).

paying the required FY 2010 regulatory fees on the stations. Our *Dismissal* demanded payment of the total regulatory fees plus the required twenty-five percent penalty and accrued charges. Licensee's status as a delinquent debtor has not changed, and under 31 U.S.C. § 3717 and 47 C.F.R. § 1.1940, additional charges accrue.

Regrettably, in addition to failing to pay the fees due for FY 2012, Licensee failed either to pay its required annual regulatory fees or to submit timely and properly supported requests for relief in other years.⁸ The resulting debts remain delinquent, which provides grounds for withholding of action⁹ and dismissal of this and other applications for relief. Accordingly, we dismiss the *Supplement* without action.¹⁰

Turning again to the delinquent fees and accrued charges, all related amounts are past due. Interest and penalties continue to accrue from the date of delinquency, and under the law,¹¹ we will apply debt collection procedures.¹² To obtain a payoff amount, Licensee should go to either the Commission's Fee Filer website or, if the debts have been transferred, the United States Treasury.

In addition to our dismissal, by this letter, we notify 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-lighted¹³ until it pays the debt or makes other satisfactory arrangements.¹⁴ This means the Commission will withhold action on any application filed or pending, and if the debt is not paid, or other satisfactory arrangements are not made, the Commission may dismiss the application. *See* 47 C.F.R. § 1.1164. Additionally, any Commission action taken prior to the payment of delinquent non-tax debt owed to the Commission is contingent and subject to rescission.

⁸ Our records show that in addition to the FY 2012 regulatory fees, Licensee is delinquent in paying the regulatory fees due for FY 2008, FY 2009, FY 2010, and FY 2011. If Licensee has evidence that the fees were paid or not due, Licensee should provide verified information to the Commission.

⁹ 47 C.F.R. § 1.1910(b)(2).

¹⁰ 47 C.F.R. § 1.1164(e).

¹¹ *See* 47 C.F.R. § 1.1901, *et seq.*

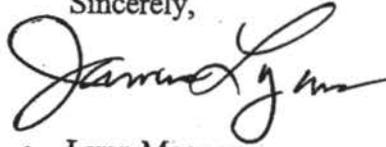
¹² *See* 31 C.F.R. § 3717.

¹³ *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.").

¹⁴ *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" and a long, sweeping underline.

FOR: Lynn Moaney
Acting Chief Financial Officer