

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Deane Brothers Broadcasting Corp.,)	BLH-19950814KC
Licensee of WJDF(FM), Orange, Massachusetts)	FRN: 0013446687

ORDER TO PAY OR TO SHOW CAUSE

Adopted: November 30, 2018**Released: November 30, 2018**

By the Chief, Media Bureau and the Managing Director, Office of Managing Director:

I. INTRODUCTION

1. By this Order to Pay or to Show Cause, we initiate a proceeding to revoke the license held by Deane Brothers Broadcasting Corp. (DBB) for WJDF(FM), Orange, Massachusetts, for failure to pay delinquent regulatory fees owed to the Commission. For the reasons set forth below, we direct DBB to pay the overdue regulatory fees, including any associated penalties and charges of collection, or show cause why the payment demanded is inapplicable or should otherwise be waived or deferred.

II. DISCUSSION

2. Under Section 9 of the Communications Act of 1934, as amended (Act), and the Commission's rules (Rules), the Commission is required to "assess and collect regulatory fees" to recover the costs of certain regulatory activities.¹ When the required payment is received late or is incomplete, the Commission must assess a penalty equal to "25 percent of the amount of the fee that was not paid in a timely manner."² For fiscal year (FY) 2014, the deadline for paying regulatory fees was September 23, 2014;³ for FY 2015, it was September 24, 2015;⁴ for FY 2016, it was September 27, 2016;⁵ for FY 2017, it was September 26, 2017;⁶ and for FY 2018, it was September 25, 2018.⁷ When DBB failed to pay its regulatory fees by these deadlines, the Commission assessed charges that included the statutory late

¹ 47 U.S.C. § 159(a)(1); 47 CFR § 1.1151-1.1167.

² 47 U.S.C. § 159A(c)(1); 47 CFR §§ 1.1157(c)(1), 1.1164.

³ See *FY 2014 Regulatory Fees Due No Later Than September 23, 2014, 11:59 pm Eastern Time (ET)*, Public Notice, 29 FCC Rcd 10414 (2014).

⁴ See *Payment Methods and Procedures for Fiscal Year 2015 Regulatory Fees*, Public Notice, 30 FCC Rcd 9941 (OMD 2015).

⁵ See *Payment Methods and Procedures for Fiscal Year 2016 Regulatory Fees*, Public Notice, 2016 FCC LEXIS 2985 (OMD 2016).

⁶ See *Payment Methods and Procedures for Fiscal Year 2017 Regulatory Fees*, Public Notice, 2017 FCC LEXIS 2779 (2017).

⁷ See *Payment Methods and Procedures for Fiscal Year 2018 Regulatory Fees*, Public Notice (rel. Aug. 30, 2018), available at <https://docs.fcc.gov/public/attachments/DOC-353883A1.pdf>.

payment penalty required by the Act⁸ and Sections 1.1157(c)(1) and 1.1164 of the Rules,⁹ and interest, penalties, and administrative costs required by Section 3717 of Title 31 of the U.S. Code and Section 1.1940 of the Rules.¹⁰

3. As of the date of this Order, DBB has unpaid regulatory fee debt (including penalties, accrued interest and other charges) of \$1,946.50 for FY 2014, \$1,921.17 for FY 2015, \$2,063.20 for FY 2016, \$1,898.36 for FY 2017 and \$1,812.50 for FY 2018. Additional charges will continue to accrue on these debts until they are paid in full. Demand Letters, which demanded payment of DBB's delinquent regulatory fees, were previously sent to DBB.¹¹ When DBB did not respond to the Commission's demand that DBB pay the FY 2014, FY 2015, FY2016 and FY 2017 regulatory fee debt, the Commission transferred that debt to the Secretary of the Treasury at the Treasury Department for collection.¹² At the Commission's request, and in order to consolidate the collection process, the Secretary of the Treasury has returned all of the previously transferred debt to the Commission for further collection.

4. In addition to financial penalties, Section 9A(c)(4) of the Act,¹³ and Section 1.1164(f) of the Rules¹⁴ grant the Commission the authority to revoke authorizations for failure to pay regulatory fees (or related interest and penalties) in a timely fashion. Accordingly, we require DBB to file with the Media Bureau documented evidence within sixty (60) calendar days of the date of this Order that full payment of all outstanding regulatory fee debt has been made in accordance with Section 1.1164(a) of the Rules,¹⁵ or show cause why the payment is inapplicable or should be waived or deferred. DBB is hereby notified that failure to provide such evidence of payment or to show cause within the time specified may result in revocation of DBB's above-captioned license for WJDF(FM).

5. Under Section 9A(c)(4)(C) of the Act and Section 1.1164(f) of the Rules,¹⁶ an adjudicatory hearing will not be designated unless DBB presents a substantial and material question of fact. Further, disposition of any adjudicatory hearing will be based upon written evidence only, and DBB will bear the burden to introduce evidence and to provide proof in any such hearing.¹⁷

6. To the extent that DBB is a respondent in other administrative proceedings, both before this agency and other federal agencies, action in this proceeding is without prejudice to action in those proceedings. Further, the existence of any such proceedings and matters raised therein are not considered in this proceeding.

⁸ 47 U.S.C. § 159A(c)(1); 47 U.S.C. § 159A(c)(1) (2017). The RAY BAUM'S Act, Repack Airwaves Yielding Better Access for Users of Modern Services Act of 2018, Pub. L. No. 115-141, 132 Stat. 348, 1095, modified Section 9 of the Act and added a new Section 9A. Prior to October 1, 2018, when the RAY BAUM'S Act became effective, Section 9(c)(1) set forth the penalties for late payment of regulatory fees. As amended by the RAY BAUM's Act, Section 9A(c)(1) now sets forth those penalties.

⁹ 47 CFR §§ 1.1157(c)(1), 1.1164.

¹⁰ 31 U.S.C. § 3717; 47 CFR § 1.1940.

¹¹ In addition to these Demand Letters, the Bureau notified DBB of its delinquency in paying WJDF(FM)'s regulatory fees for FY 2007 and FY 2014. Letter from Peter H. Doyle, Chief, Audio Division, Media Bureau, to Jay E. Deane, Deane Bros. Broad. Corp. (MB dated July 1, 2015). Because the FY 2018 regulatory fee was not due until September 25, 2018, a demand letter for FY 2018 had not been sent as of the date of this Order.

¹² See 31 U.S.C. § 3711(g), 31 CFR §§ 285.12(c) & 901.1; 47 CFR § 1.1917.

¹³ 47 U.S.C. § 159A(c)(4).

¹⁴ 47 CFR § 1.1164(f).

¹⁵ 47 CFR § 1.1164(a).

¹⁶ 47 U.S.C. § 159A(c)(4)(C)(i); 47 CFR § 1.1164(f)(1).

¹⁷ 47 U.S.C. § 159A(c)(4)(C)(ii); 47 CFR § 1.1164(f)(2).

III. ORDERING CLAUSES

7. Accordingly, **IT IS ORDERED** that, pursuant to Section 9A(c)(4) of the Act and Sections 0.61, 0.283, and 1.1164(f) of the Rules,¹⁸ Deane Brothers Broadcasting Corp. is hereby **ORDERED TO PAY TO THE FEDERAL COMMUNICATIONS COMMISSION** within sixty (60) calendar days of the date of this Order the outstanding regulatory fees for FY 2014, FY 2014, FY 2016, FY 2017 and FY 2018, **OR SHOW CAUSE** to the Commission within sixty (60) calendar days of the date of this Order why these regulatory fees are inapplicable or should otherwise be waived or deferred.

8. **IT IS FURTHER ORDERED** that payment of the delinquent regulatory fee debt must be made by wire transfer and must include the FRN referenced above. Additional wire transfer instructions are as follows:

ABA Routing Number 021030004

Receiving Bank:
TREAS NYC
33 Liberty St.
New York, NY 10045

(BNF) Beneficiary: FCC
Account #: 27000001
OBI Field (skip one space between each information item)

Deane Brothers Broadcasting Corp. must provide the Payer FRN (if different than the FRN referenced above) and a contact phone number.

Deane Brothers Broadcasting Corp. must fax a copy of the wire transfer confirmation to the FCC at (202) 418-2843 or send the wire transfer confirmation copy to the FCC via email to RROGWireFaxes@fcc.gov on the same day the wire transfer is initiated.

9. **IT IS FURTHER ORDERED** that Deane Brothers Broadcasting Corp. must submit a completed FCC Form 159 (Remittance Advice) at the time of payment. The FCC Form 159 must be faxed to the FCC at (202) 418-2843. An FCC Form 159 and detailed instructions for completing the form may be obtained at http://www.fcc.gov/Forms/Forms_159/159.pdf. When completing the FCC Form 159, Deane Brothers Broadcasting Corp. must enter its FRN in block number 23A (call sign/other ID) and enter the following payment codes for the fiscal years involved in block number 24A (payment type code): 1442 (for FY 2014), 1542 (for FY 2015), 1642 (for FY 2016), 1742 (for FY 2017) and 1842 (for FY 2018).

¹⁸ 47 U.S.C. § 159A(c)(4); 47 CFR §§ 0.61, 0.283, 1.1164(f).

10. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by registered mail, return receipt requested, to Deane Brothers Broadcasting Corp., Attn. Jay E. Deane, P.O. Box 973, Orange, MA 01364-0973, and to Deane Brothers Broadcasting Corp., 19 Howe Street, Orange, MA 01364.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

Mark Stephens
Managing Director, Office of Managing Director