

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

REVOCATION ORDER

Adopted: April 4, 2019

Released: April 4, 2019

By the Media Bureau and Office of the Managing Director:

I. INTRODUCTION

1. By this *Revocation Order*, we revoke the license held by Deane Brothers Broadcasting Corp. (DBB) for WJDF(FM), Orange, Massachusetts (Station), for failure to pay delinquent regulatory fees owed to the Commission.¹ We also dismiss the pending application for renewal of the Station's license.²

II. BACKGROUND

2. Under section 9 of the Communications Act of 1934, as amended (Act), and the Commission's implementing rules, the Commission is required to "assess and collect regulatory fees" to recover the costs of certain regulatory activities.³ 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."⁴ In addition to financial penalties, section 9A(c)(4)(A) of the Act, and section 1.1164(f) of the Commission's rules (Rules) grant the Commission the authority to revoke authorizations for failure to pay regulatory fees (or related interest and penalties) in a timely fashion.⁵

3. For fiscal year (FY) 2014, the deadline for paying regulatory fees was September 23, 2014;⁶ for FY 2015, it was September 24, 2015;⁷ for FY 2016, it was September 27, 2016;⁸ for FY 2017, it was September 26, 2017;⁹ and for FY 2018, it was September 25, 2018.¹⁰

4. DBB failed to timely pay the Station's regulatory fees for FY 2014, FY 2015, FY 2016, FY

¹ Although this *Revocation Order* addresses DBB's failure to pay the Station's regulatory fees for a number of fiscal years, we note that failure to pay any regulatory fee, related interest or penalties, or any portion thereof is grounds for revocation. See 47 U.S.C. § 159A(c)(4)(A) ("[T]he Commission may revoke any instrument of authorization held by any licensee that has not paid in a timely manner a regulatory fee assessed under section 9 ...").

² File No. BRH-20131202BNX.

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

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

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

⁶ 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).

⁷ See *Payment Methods and Procedures for Fiscal Year 2015 Regulatory Fees*, Public Notice, 30 FCC Rcd 9941 (OMD 2015).

⁸ See *Payment Methods and Procedures for Fiscal Year 2016 Regulatory Fees*, Public Notice, 2016 FCC LEXIS 2985 (OMD 2016).

2017, and FY 2018. Thus, the Commission assessed charges that included the statutory late payment penalty required by the Act,¹¹ and sections 1.1157(c)(1) and 1.1164 of the Rules,¹² and additional charges of interest, penalties, and charges of collection required by section 3717 of Title 31 of the U.S. Code and section 1.1940 of the Rules for these fiscal years.¹³ Demand Letters were sent to DBB, which demanded payment of DBB's delinquent regulatory fees.¹⁴ DBB did not respond to these letters, and thereafter the delinquent debt for the FY 2014, FY 2015, FY 2016, and FY 2017 regulatory fees was transferred to the Secretary of Treasury for collection.¹⁵ In November 2018, at the Commission's request, the Secretary of Treasury returned all of the previously transferred debt to the Commission for further collection.

5. On November 30, 2018, the Media Bureau (Bureau) issued DBB an *Order to Pay or to Show Cause (Order)* and required DBB to file with the Bureau documented evidence within sixty (60) calendar days¹⁶ that full payment of all outstanding regulatory fees had been made, plus any associated penalties as calculated by the Commission in accordance with sections 1.1164(a) and 1.1940 of the Rules, or to show cause why the fees were inapplicable or should be waived or deferred.¹⁷ The *Order* further stated that failure to provide such evidence of payment or to show cause within the time specified could result in revocation of the Station's license.¹⁸ DBB did not file any response to the *Order*.

III. DISCUSSION

6. We revoke the Station's license.¹⁹ The Bureau issued the *Order* on November 30, 2018, and it required DBB to respond within 60 days.²⁰ The *Order* specified that failure to provide evidence of payment or show cause within the time specified could result in revocation of the Station's license.²¹ As stated above, DBB did not file evidence of payment of its outstanding regulatory fees or show cause why such payment is inapplicable or should be waived or deferred within the time provided.²² In these

(Continued from previous page)

⁹ See *Payment Methods and Procedures for Fiscal Year 2017 Regulatory Fees*, Public Notice, 2017 FCC LEXIS 2779 (OMD 2017).

¹⁰ 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>.

¹¹ 47 U.S.C. § 159A(c)(1); 47 U.S.C. § 159(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.

¹² 47 CFR §§ 1.1157(c)(1), 1.1164.

¹³ 31 U.S.C. § 3717; 47 CFR § 1.1940.

¹⁴ In addition to these Demand Letters, the Bureau notified DBB of its delinquency in paying the Station's regulatory fees for 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).

¹⁵ See 31 U.S.C. § 3711(g), 31 CFR §§ 285.12(c) and 901.1; 47 CFR § 1.1917.

¹⁶ While not required by the statute, the Commission adopted the 60-day response period for regulatees "to assure that the subject regulatee will have a full opportunity to obtain the funds needed to make payment and to prepare its case." *Implementation of Section 9 of the Communications Act*, Report and Order, 9 FCC Rcd 5333, 5354, para. 62 (1994).

circumstances, where DBB has failed to pay its regulatory fees for multiple years and failed to respond to multiple letters regarding those delinquent debts, revocation is appropriate.²³

7. This *Revocation Order* does not relieve DBB of its obligation to pay any debt, including any regulatory fee, or any other financial obligation that has or may become due resulting from the authorizations held until revocation.

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED** that, pursuant to section 9A(c)(4) of the Act and sections 0.11, 0.61, 0.231, 0.283, and 1.1164(f) of the Rules,²⁴ the license of Deane Brothers Broadcasting Corp. for Station WJDF(FM) **IS HEREBY REVOKED**.

9. **IT IS FURTHER ORDERED** that all authority to operate this facility **IS TERMINATED** and any operation of the facility **is now unauthorized and must cease immediately**.

10. **IT IS FURTHER ORDERED** that the Commission's public and internal database will be modified to reflect the revocation and the Station's call sign **IS HEREBY DELETED**.

11. **IT IS FURTHER ORDERED** that the renewal application filed on December 2, 2013 (File No. BRH-20131202BNX) **IS DISMISSED**.

12. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by first class mail and 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

(Continued from previous page) _____

¹⁷ *Deane Bros. Broad. Corp.*, Order to Pay or to Show Cause, DA 18-1218 (MB Nov. 30, 2018) (*Show Cause Order*). At that time, the Commission's records showed that DBB had unpaid regulatory fees 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, \$ 1,812.50 for FY 2018. *Id.* at para. 3.

¹⁸ *Id.* at para. 4. *See also* 47 U.S.C. §159A(c)(4).

¹⁹ We note that DBB may have been or continue to be a respondent in other administrative proceedings. Action in this proceeding is without prejudice to action in those proceedings, and the existence of those proceedings and matters raised therein are not considered by the Commission in this proceeding.

²⁰ *Id.*

²¹ *Id.*

²² DBB's response was due on Feb. 8, 2019. *Revisions to Filing and Other Deadlines Following Resumption of Normal Commission Operations*, Public Notice, DA 19-26 (Jan. 29, 2019). As of the date of this *Revocation Order*, DBB still has not filed evidence of payment of its outstanding regulatory fees or filed a response in which it has shown cause why such payment is inapplicable or should be waived or deferred.

²³ *See LDC Telecomm., Inc.*, Revocation Order, 31 FCC 11662 (2016) (revoking authorizations held by LDC for failure to pay delinquent regulatory fees).

²⁴ 47 U.S.C. § 159A(c)(4); 47 CFR §§ 0.11, 0.61, 0.231, 0.283, 1.1164(f).

Mark Stephens
Managing Director, Office of the Managing Director