

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
Metropolitan Mgmt. Corp. of Tennessee)	Fac. ID 11191
Licensee of WNPZ(AM), Knoxville, Tennessee)	FRN: 0009886854

ORDER TO PAY OR TO SHOW CAUSE

Adopted: June 6, 2019

Released: June 6, 2019

By the Chief, Media Bureau:

I. INTRODUCTION

1. By this Order to Pay or to Show Cause, we initiate a proceeding to revoke the license held by Metropolitan Management Corporation of Tennessee (Metropolitan) for WNPZ(AM), Knoxville, Tennessee (Station), for failure to pay delinquent regulatory fees and associated interest, administrative costs, and penalties owed to the Commission. For the reasons set forth below, we direct Metropolitan to pay the overdue regulatory fees, including any associated interest, penalties, and administrative costs, 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 which was not paid in a timely manner."²

3. For fiscal year (FY) 2005, the deadline for paying regulatory fees was September 7, 2005;³ for FY 2006, it was September 19, 2006;⁴ for FY 2007, it was September 19, 2007;⁵ for FY 2008, it was September 11, 2008;⁶ for FY 2010, it was August 31, 2010;⁷ for FY 2011, it was September 16,

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 *Payment Methods and Procedures for Fiscal Year 2005 Regulatory Fees*, Public Notice, 20 FCC Rcd 12567 (OMD 2005).

⁴ See *Payment Methods and Procedures for Fiscal Year 2006 Regulatory Fees*, Public Notice, 21 FCC Rcd 9514 (OMD 2006).

⁵ See *Payment Methods and Procedures for Fiscal Year 2007 Regulatory Fees*, Public Notice, 22 FCC Rcd 16156 (OMD 2007).

⁶ See *Payment Methods and Procedures for Fiscal Year 2008 Regulatory Fees*, Public Notice, 23 FCC Rcd 12849 (OMD 2008).

⁷ See *Payment Methods and Procedures for Fiscal Year 2010 Regulatory Fees*, Public Notice, 25 FCC Rcd 10670 (OMD 2010).

(continued...)

2011;⁸ for FY 2012, it was September 13, 2012;⁹ for FY 2013, it was September 20, 2013;¹⁰ for FY 2014, it was September 23, 2014;¹¹ for FY 2015, it was September 24, 2015;¹² for FY 2016, it was September 27, 2016;¹³ and for FY 2017, it was September 26, 2017.¹⁴ When Metropolitan failed to pay or only partially paid its regulatory fees by these deadlines, the Commission assessed charges that included the statutory late payment penalty required by the Act¹⁵ and Sections 1.1157(c)(1) and 1.1164 of the Rules,¹⁶ 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.¹⁷

4. The Commission's records show that Metropolitan currently has unpaid regulatory fees of \$652.36 for FY 2005; \$3,306.92 for FY 2006; \$3,174.51 for FY 2007; \$3,376.62 for FY 2008; \$2,655.61 for FY 2010; \$2,778.60 for FY 2011; \$2,932.28 for FY 2012; \$3,094.93 for FY 2013; \$2,876.29 for FY 2014; \$3,251.50 for FY 2015; \$2,590.75 for FY 2016; and \$3,381.24 for FY 2017. Additional charges will continue to accrue on these debts until they are paid in full. Demand Letters, which demanded payment of Metropolitan's delinquent regulatory fees, were previously sent to Metropolitan.¹⁸ When Metropolitan did not pay the FY 2005, FY 2006, FY 2007, FY 2008, FY 2010, FY 2011, FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, and FY 2017 regulatory fee debt, the Commission transferred that debt to the Secretary of Treasury at the Treasury Department for collection.¹⁹ 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 regulatory fee debt to the Commission for further collection.

⁸ See *Payment Methods and Procedures for Fiscal Year 2011 Regulatory Fees*, Public Notice, 26 FCC Rcd 11371 (OMD 2011).

⁹ See *Reminder That FY 2012 Regulatory Fees Are Due No Later Than September 13, 2012, Eastern Time (ET)*, Public Notice, 27 FCC Rcd 10297 (OMD 2012).

¹⁰ See *Payment Methods and Procedures for Fiscal Year 2013 Regulatory Fees*, Public Notice, 28 FCC Rcd 12635 (OMD 2013).

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

¹² See *Payment Methods and Procedures for Fiscal Year 2015 Regulatory Fees*, Public Notice, 30 FCC Rcd 9941 (OMD 2015).

¹³ See *Payment Methods and Procedures for Fiscal Year 2016 Regulatory Fees*, Public Notice, 2016 WL 4625515 (OMD Sep. 6, 2016).

¹⁴ See *Payment Methods and Procedures for Fiscal Year 2017 Regulatory Fees*, Public Notice, 2017 WL 3953380 (OMD Sep. 6, 2017). We note that this date was extended to September 29, 2017, for those affected by Hurricanes Harvey, Irma, and Maria.

¹⁵ 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.

¹⁶ 47 CFR §§ 1.1157(c)(1), 1.1164.

¹⁷ 31 U.S.C. § 3717; 47 CFR § 1.1940.

¹⁸ In addition to these Demand Letters, the Bureau notified Metropolitan of its delinquency in paying the Station's regulatory fees for FY 2005, FY 2006, FY 2007, FY 2008, FY 2010, FY 2011, FY 2012, FY 2013, and FY 2014. Letter from Peter H. Doyle, Chief, Audio Division, Media Bureau, to Stephen Thomas Yelverton, Yelverton Law Firm, PLLC (MB dated June 8, 2015).

¹⁹ See 31 U.S.C. § 3711(g); 31 CFR §§ 285.12(c) & 901.1; 47 CFR § 1.1917.

(continued...)

5. In addition to financial penalties, Section 9A(c)(4) of the Act,²⁰ and Section 1.1164(f) of the Rules²¹ grant the FCC the authority to revoke authorizations for failure to pay regulatory fees (or related interest and penalties) in a timely fashion. Accordingly, we require Metropolitan 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,²² or show cause why the payment is inapplicable or should be waived or deferred. Metropolitan is hereby notified that failure to provide such evidence of payment or to show cause within the time specified may result in revocation of Metropolitan's license for the Station.

6. Under Section 9A(c)(4)(C) of the Act and Section 1.1164(f),²³ an adjudicatory hearing will not be designated unless Metropolitan presents a substantial and material question of fact. Further, disposition of any adjudicatory hearing will be based upon written evidence only, and Metropolitan will bear the burden to introduce evidence and to provide proof in any such hearing.²⁴

7. To the extent that Metropolitan 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.

III. ORDERING CLAUSES

8. 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,²⁵ Metropolitan Management Corporation of Tennessee 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 2005, FY 2006, FY 2007, FY 2008, FY 2010, FY 2011, FY 2012, FY 2013, FY 2014, FY 2015, FY 2016, and FY 2017, **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.

9. **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)

²⁰ 47 U.S.C. § 159A(c)(4). As noted, *supra* at n. 15, the RAY BAUM'S Act 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)(3) authorized the Commission to revoke "any instrument of authorization held by any entity that has failed to make payment of a regulatory fee." 47 U.S.C. § 159(c)(3) (2017). As amended by the RAY BAUM'S Act, Section 9A(c)(4) now authorizes such action.

²¹ 47 CFR § 1.1164(f).

²² 47 CFR § 1.1164(a).

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

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

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

Metropolitan Management Corporation of Tennessee must provide the Payer FRN (if different than the FRN referenced above) and a contact phone number.

Metropolitan Management Corporation of Tennessee 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.

10. **IT IS FURTHER ORDERED** that Metropolitan Management Corporation of Tennessee 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](http://www.fcc.gov/Forms/Forms%20159/159.pdf). When completing the FCC Form 159, Metropolitan Management Corporation of Tennessee 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): 0538 (for FY 2005), 0638 (for FY 2006), 0738 (for FY 2007), 0838 (for FY 2008), 1038 (for FY 2010), 1138 (for FY 2011), 1238 (for FY 2012), 1338 (for FY 2013), 1438 (for FY 2014), 1538 (for FY 2015), 1638 (for FY 2016), and 1738 (for FY 2017).

11. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by certified mail, return receipt requested, to Metropolitan Management Corporation of Tennessee, c/o Mr. Randal A. Mangham, P.O. Box 1558, Atlanta, GA 30301, and its counsel, Anne Goodwin Crump, Esq., Fletcher, Heald & Hildreth, PLC, 1300 N. 17th St., 11th Floor, Arlington, VA 22209.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey, Chief
Media Bureau

Mark Stephens, Managing Director
Office of Managing Director

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<p>1. Article Addressed to:</p> <p><u>Mae Goodwin Crump, Esq.</u> <u>Fletcher, Heald & Hiddverth, PLC</u> <u>1300 N. 17th St., 11th Floor</u> <u>Arlington, VA 22209</u></p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>2. Article Number (Transfer from service label)</p> <p><u>7018 0680 0001 1766 1079</u></p>		<p><input type="checkbox"/> Restricted Delivery</p>	
<p>PS Form 3811, April 2015 PSN 7530-02-000-9053</p> <p style="text-align: right;">Domestic Return Receipt</p>			

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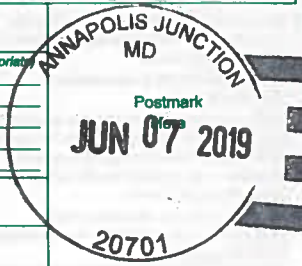
<input type="checkbox"/> Return Receipt (hardcopy)	\$ <u>2.80</u>
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
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Postage
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of Tennessee
c/o Mr. Randal A. Moighan
P.O. Box 1558
Atlanta, GA 30301

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