



Federal Communications Commission
Washington, D.C. 20554

DA 07-4010

September 24, 2007

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Broadcast Media Satellite, Inc.
46 Angel Bounomo Street
Industrial Area Tres Monjitas
Hato Rey, PR 00918

Re: Call Sign: PF000001
File No.: IPF-LIC-20000403-00001

Dear Sir or Madam:

On September 22, 2000, Broadcast Media Satellite, Inc. (BMS) was granted the above-captioned license to operate facilities 4.5 miles southeast of Rincon, Puerto Rico, in the International Fixed Public Radio Service (IFPRS). For the reasons set forth below, we direct BMS to show cause why the license captioned above should not be revoked pursuant to Section 312 and/or Section 9(c)(3) of the Communications Act, 47 U.S.C. §§ 312, 159(c)(3).

Section 312(a)(3) of the Communications Act, 47 U.S.C. § 312(a)(3), authorizes the Commission to revoke any license "for willful or repeated failure to operate substantially as set forth in the license." For several reasons, it appears to us that BMS has permanently discontinued its operations. First, the Commission's San Juan Resident Field Agent attempted to contact BMS by telephone during the last week of July 2007, and found that its telephone service had been disconnected at the contact number associated with its license. The San Juan Resident Field Agent also visited the authorized control point at the address listed in the BMS license, and found no one there that was in any way associated with or familiar with BMS. In addition, on August 1, 2007, the San Juan Resident Field Agent visited BMS's transmitter site, and found no antenna pointing toward the Dominican Republic as specified in the license captioned above. Further, he did not detect any transmissions on the frequency bands assigned to BMS. Finally, on July 31, 2007, we sent BMS a letter asking it to inform us of the current status of its facilities no later than August 15, 2007. We stated specifically that, if BMS did not respond to that letter, we will interpret that as a surrender of its license. That letter was returned to us as undeliverable to the address provided as the BMS contact address in its application. By appearing to have permanently discontinued its operations, BMS has given us cause to conclude that it has willfully failed to operate as set forth in its license as of the start of that discontinuation.

In addition, Section 312(a)(4) of the Communications Act, 47 U.S.C. § 312(a)(4), authorizes the Commission to revoke any license "for willful or repeated violation of, or willful or repeated failure to observe any provision of [the Communications Act] or any rule or regulation of the Commission authorized by this Act." It appears that BMS is in violation of

Section 23.49 of the Commission's Rules, 47 C.F.R. § 23.49. Section 23.49 requires each IFPRS licensee wishing to discontinue its operations permanently to notify the San Juan Resident Field Agent, and to send its station license to the Commission Office in Washington, D.C.¹ We have no record of BMS's notification to the San Juan Resident Field Agent, nor have we received its license. Moreover, Section 1.5 of the Commission's Rules, 47 C.F.R. § 1.5, requires all licensees to furnish the Commission with a current address for serving documents or directing correspondence to each licensee. Since the Commission's Letter of July 31 was returned, it appears that BMS has failed to observe this requirement.

If BMS has not discontinued its operations, then it appears that it may be in violation of several other rules. First, Section 23.44 of the Commission's Rules, 47 C.F.R. § 23.44, requires all IFPRS licensees to make their stations available for inspection by representatives of the Commission at any reasonable hour. By failing to furnish the current address of its facilities, BMS has failed to allow a Commission representative to inspect those facilities. Furthermore, without inspecting BMS's facilities, we cannot determine whether it has maintained station records in compliance with Sections 1.6, 23.47 and 23.48 of the Commission's Rules, 47 C.F.R. §§ 1.6, 23.47, 23.48, nor can we verify that it has posted its station license and station operator license in compliance with Sections 23.36 and 23.45 of the Commission's Rules, 47 C.F.R. §§ 23.36, 23.45.

Notwithstanding Sections 312(a)(3) and (4) of the Communications Act discussed above, Sections 9(c)(3) and 9(g) of the Communications Act, 47 U.S.C. §§ 159(c)(3), 159(g), and Sections 1.1156 and 1.1164(f) of the Commission's Rules, 47 C.F.R. §§ 1.1156, 1.1164(f), provide separate and independent grounds for revocation of BMS's license captioned above. Section 9(g) of the Communications Act, 47 U.S.C. § 159(g), requires the Commission to impose regulatory fees on its regulated entities, including IFPRS licensees. Pursuant to that Congressional mandate, the Commission has adopted Section 1.1156 of the Commission's Rules, 47 C.F.R. § 1.1156, establishing an annual regulatory fee of \$ 1925.00 for IFPRS licensees. Our records do not show that BMS has paid any of its regulatory fees due for the 2005-06 fiscal year.

Accordingly, we require BMS to provide documented evidence within 60 days of the date of this letter that, contrary to the facts discussed above, BMS has not ceased operation of its facilities substantially as set forth in its license, that it has not violated or failed to observe any provision in the Communications Act or any Commission Rule, and that payment of its regulatory fees is not past due. In addition, BMS is required to pay any past-due regulatory fees, plus penalties as set forth in Section 1.1164(a) of the Commission's Rules, 47 C.F.R. § 1.1164(a), or show cause why the payment is inapplicable or should be waived or deferred. Failure to provide such evidence will result in cancellation of the license captioned above. Please send your response to the San Juan Field Agent with a copy to the Satellite Division Chief at the addresses below, no later than 60 calendar days after the date of this letter.

FCC San Juan Resident Field Agent
762 Federal Building
Hato Rey, PR, 00918

¹ Section 23.49 requires licensees to provide notification of discontinuances in operation to "the Engineer in Charge of the district where such station is located." The functions of the Engineer in Charge are now performed by the Enforcement Bureau's District Directors and Resident Field Agents. See Section 0.314 of the Commission's Rules, 47 C.F.R. § 0.314.

Robert G. Nelson
Chief, Satellite Division
International Bureau
Federal Communications Commission
445 12th Street, S.W., Room 6-A665
Washington, DC 20554

We issue this show cause order pursuant to Sections 312(c) and 9(c)(3) of the Communications Act, 47 U.S.C. §§ 312(c), 159(c)(3), Sections 1.91 and 1.1164(f) of the Commission's Rules, 47 C.F.R. §§ 1.91, 1.1164(f), and Sections 0.51(c), 0.51(d), and 0.261(a)(15) of the Commission's Rules on delegations of authority, 47 C.F.R. §§ 0.51(c), 0.51(d), 0.261(a)(15).

Sincerely,

Robert G. Nelson
Chief, Satellite Division
International Bureau

cc: Keller and Heckman, LLC
1001 G Street, N.W., Suite 500 West
Washington, DC 20001