

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Cortaro Broadcasting Corp., Licensee of)	BL-19840709AD
KCKY(AM), Coolidge, Arizona)	FRN: 0007276561

ORDER TO PAY OR TO SHOW CAUSE

Adopted: November 8, 2017

Released: November 8, 2017

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 Cortaro Broadcasting Corp. (Cortaro) for KCKY(AM), Coolidge, Arizona, for failure to pay delinquent regulatory fees owed to the Commission. For the reasons set forth below, we direct Cortaro 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),¹ and the Commission's implementing rules,² 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 which was not paid in a timely manner."⁴ For fiscal year (FY) 2008, the deadline for paying regulatory fees was September 11, 2008;⁵ for FY 2011, it was September 16, 2011;⁶ for FY 2012, it was September 13, 2012;⁷ for FY 2013, it was September 20, 2013;⁸ for FY 2014, it was September 23, 2014;⁹ and for FY 2015, it was September 24, 2015.¹⁰ When Cortaro failed to pay its regulatory fees by these deadlines, the Commission assessed charges that included the statutory late payment penalty required by Section

¹ 47 U.S.C. § 159(c)(3).

² 47 CFR §§ 1.1151-1.1167.

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

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

⁵ See *Payment Methods and Procedures for Fiscal Year 2008 Regulatory Fees*, Public Notice, 23 FCC Rcd 12849 (OMD 2008).

⁶ See *Payment Methods and Procedures for Fiscal Year 2011 Regulatory Fees*, Public Notice, 26 FCC Rcd 11371 (OMD 2011).

⁷ 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).

⁸ See *Payment Methods and Procedures for Fiscal Year 2013 Regulatory Fees*, Public Notice, 28 FCC Rcd 12635 (OMD 2013).

⁹ 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).

¹⁰ See *Payment Methods and Procedures for Fiscal Year 2015 Regulatory Fees*, Public Notice, 30 FCC Rcd 9941 (OMD 2015).

9(c)(1)¹¹ of the Act and Sections 1.1157(c)(1) and 1.1164 of the Commission's rules (Rules),¹² and additional charges of interest, penalties, and charges of collection required by Section 3717 of Title 31 of the U.S. Code¹³ and Section 1.1940 of the Rules.

3. The Commission's records show that Cortaro currently has unpaid regulatory fees of \$9,299.10 for FY 2008, \$8,411.36 for FY 2011, \$12,998.21 for FY 2012, \$13,387.00 for FY 2013, \$12,487.49 for FY 2014, and \$11,824.10 for FY 2015. Additional charges continue to accrue on these debts. Demand Letters were sent to Cortaro, which demanded payment of Cortaro's delinquent regulatory fees. Cortaro did not respond to these letters, and thereafter the delinquent debt for the FY 2008, FY 2011, FY 2012, FY 2013, FY 2014 and FY 2015 regulatory fees was transferred to the Secretary of Treasury for collection.¹⁴

4. In addition to financial penalties, Section 9(c)(3) of the Act,¹⁵ and Section 1.1164(f) of the Rules¹⁶ grant the FCC the authority to revoke authorizations for failure to pay regulatory fees in a timely fashion. Accordingly, we require Cortaro 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 fees has been made, plus any associated penalties as calculated by the Secretary of Treasury in accordance with Section 1.1164(a) of the Rules,¹⁷ or show cause why the payment is inapplicable or should be waived or deferred. Cortaro is hereby notified that failure to provide such evidence of payment or to show cause within the time specified may result in revocation of Cortaro's above-captioned license for KCKY(AM).

5. Any response to this Order to Pay or to Show Cause does not relieve Cortaro of its duty to respond to demands by the Department of Treasury (Treasury) or to pay directly to Treasury any delinquent debts. Moreover, nothing in this Order to Pay or to Show Cause withdraws from Treasury its authority under the law to collect the referred debts. Under Section 1.1164(f)(1),¹⁸ an adjudicatory hearing will not be designated unless Cortaro presents a substantial and material question of fact related to the debt. Accordingly, disposition of any adjudicatory hearing shall be based upon written evidence only,¹⁹ and Cortaro will bear the burden to introduce evidence and to provide proof in any such hearing.

6. We note that Cortaro may have been or continues as 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.

III. ORDERING CLAUSES

7. Accordingly, **IT IS ORDERED** that, pursuant to Section 9(c)(3) of the Act and Sections 0.61, 0.283, and 1.1164(f) of the Rules,²⁰ Cortaro Broadcasting Corp. is hereby **ORDERED TO PAY TO THE SECRETARY OF THE TREASURY** (and provide the Commission with proof of payment in the amount calculated by the Secretary of Treasury) within sixty (60) calendar days of the date of this

¹¹ 47 U.S.C. § 159(c)(1).

¹² 47 CFR CFR §§ 1.1157(c)(1), 1.1164.

¹³ 31 U.S.C. § 3717; 47 CFR § 1.1940.

¹⁴ See 31 U.S.C. § 3711(g), 31 CFR §§ 285.12(c) & 901.1; 47 CFR § 1.1917.

¹⁵ 47 U.S.C. § 159(c)(3).

¹⁶ 47 CFR § 1.1164(f).

¹⁷ 47 CFR § 1.1164(a).

¹⁸ 47 CFR § 1.1164(f)(1).

¹⁹ 47 U.S.C. § 159(c)(3); 47 CFR § 1.1164(f)(2).

²⁰ 47 U.S.C. § 159(c)(3); 47 CFR §§ 0.61, 0.283, 1.1164(f).

Order the outstanding regulatory fees for FY 2008, FY 2011, FY 2012, FY 2013, FY 2014 and FY 2015, **OR SHOW CAUSE** to the Commission (with a copy furnished to Treasury) 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 a copy of this Order shall be sent by certified mail, return receipt requested, to Cortaro Broadcasting Corp., Attn. Moises Herrera, Jr., 1445 West Baseline Road, Phoenix, AZ 85041, and its counsel, Barry D. Wood, Esq., Wood Martin & Hardy, P.C., 3300 Fairfax Drive, Suite 202, Arlington, VA 22201.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey, Chief
Media Bureau