

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

In the Matter of	)	
	)	
Cox Broadcast Group, Inc.,	)	Fac. ID 14240
Licensee of WCGA(AM), Woodbine, Georgia	)	FRN: 0006124457

**ORDER TO PAY OR TO SHOW CAUSE**

**Adopted: October 25, 2019**

**Released: October 28, 2019**

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 Cox Broadcast Group, Inc. (Cox), for WCGA(AM), Woodbine, Georgia (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 Cox 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.<sup>1</sup> 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."<sup>2</sup>

3. For fiscal year (FY) 2010, the deadline for paying regulatory fees was August 31, 2010;<sup>3</sup> for FY 2013, it was September 20, 2013;<sup>4</sup> for FY 2016, it was September 27, 2016;<sup>5</sup> for FY 2017, it was September 26, 2017;<sup>6</sup> and for FY 2018, it was September 25, 2018.<sup>7</sup> When Cox 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 Act<sup>8</sup> and Sections 1.1157(c)(1) and 1.1164 of the Rules,<sup>9</sup>

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

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

<sup>3</sup> See *Payment Methods and Procedures for Fiscal Year 2010 Regulatory Fees*, Public Notice, 25 FCC Rcd 10670 (OMD 2010).

<sup>4</sup> See *Payment Methods and Procedures for Fiscal Year 2013 Regulatory Fees*, Public Notice, 28 FCC Rcd 12635 (OMD 2013).

<sup>5</sup> See *Payment Methods and Procedures for Fiscal Year 2016 Regulatory Fees*, Public Notice, 2016 WL 4625515 (OMD Sep. 6, 2016).

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

<sup>7</sup> 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>.

<sup>8</sup> 47 U.S.C. § 159A(c)(1).

and interest, penalties, and administrative costs required by law.<sup>10</sup>

4. The Commission's records show that Cox currently has unpaid regulatory fee debts of \$2,208.93 for FY 2010; \$2,999.92 for FY 2013; \$2,276.91 for FY 2016; \$2,258.92 for FY 2017; and \$1,786.53 for FY 2018. Additional charges will continue to accrue on these debts until they are paid in full. Demand letters, which demanded payment of Cox's delinquent regulatory fee debts, were previously sent to Cox.<sup>11</sup> To date, Cox has not paid any of the debts.<sup>12</sup>

5. In addition to financial penalties, Section 9A(c)(4) of the Act<sup>13</sup> and Section 1.1164(f) of the Rules<sup>14</sup> grant the FCC the authority to revoke authorizations for failure to pay regulatory fees (or related interest or penalties) in a timely fashion. Accordingly, we require Cox 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,<sup>15</sup> or show cause why the payment is inapplicable or should be waived or deferred.<sup>16</sup> Cox is hereby notified that failure to provide such evidence of payment or to show cause within the time specified may result in revocation of Cox's license for the Station.

6. Under Section 9A(c)(4)(C) of the Act and Section 1.1164(f),<sup>17</sup> an adjudicatory hearing will not be designated unless Cox presents a substantial and material question of fact. Further, disposition of any adjudicatory hearing will be based upon written evidence only, and Cox will bear the burden to introduce evidence and to provide proof in any such hearing.<sup>18</sup>

7. To the extent that Cox 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.

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<sup>9</sup> 47 CFR §§ 1.1157(c)(1), 1.1164.

<sup>10</sup> Prior to October 1, 2018, the Commission was required to and did assess administrative charges on delinquent regulatory fee debt pursuant to Section 3717 of the Debt Collection Improvement Act. 37 U.S.C. §3717(e)(1); *see also* 47 CFR §1.1940. Effective October 1, 2018, and as a result of the changes wrought by Section 9A of 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, the Commission may no longer assess the administrative cost of collecting delinquent regulatory fee debt, though the mandate that it charge a 25 percent late payment penalty and interest remains. 47 U.S.C. § 159A(c)(1) and (2).

<sup>11</sup> In addition to these Demand Letters, the Bureau notified Cox of its delinquency in paying the Station's regulatory fees for FY 2010 and FY 2013. Letter from Peter H. Doyle, Chief, Audio Division, Media Bureau, to Wesley Cox, Cox Broad. Group, Inc. (MB dated June 4, 2015).

<sup>12</sup> *See* 31 U.S.C. § 3711(g); 31 CFR §§ 285.12(c) and 901.1; 47 CFR § 1.1917. The debts for FY 2010 and FY 2013 were transferred to the Secretary of Treasury for collection. However, at the Commission's request, and in order to consolidate the collection process, the Secretary of the Treasury has returned them to the Commission for further collection.

<sup>13</sup> 47 U.S.C. § 159A(c)(4). 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 the Commission to revoke any instrument of authorization for failure to pay a regulatory fee, or a related penalty or interest.

<sup>14</sup> 47 CFR § 1.1164(f).

<sup>15</sup> 47 CFR § 1.1164(a).

<sup>16</sup> The Commission may waive, reduce, or defer payment of a fee and associated penalties and interest where good cause is shown and where waiver, reduction or deferral would promote the public interest. The Commission

### 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,<sup>19</sup> Cox Broadcast Group, Inc., 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 2010, FY 2013, FY 2016, FY 2017 and FY 2018, **OR SHOW CAUSE** to the Commission within sixty (60) calendar days of the date of this Order that the regulatory fee debt has been paid in full, or 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)

Cox Broadcast Group, Inc., must provide the Payer FRN (if different than the FRN referenced above) and a contact phone number.

Cox Broadcast Group, Inc., 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](mailto:RROGWireFaxes@fcc.gov) on the same day the wire transfer is initiated.

10. **IT IS FURTHER ORDERED** that Cox Broadcast Group, Inc., 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_159/159.pdf). When completing the FCC Form 159, Cox Broadcast Group, Inc., 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): 1037 (for FY 2010), 1337 (for FY 2013), 1637 (for FY 2016), 1737 (for FY 2017), and 1837 (for FY 2018).

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interprets this provision narrowly, granting relief only when a requesting party has shown extraordinary circumstances outweighing the public interest in recovering the cost of the Commission's regulatory services. A party seeking a waiver for financial hardship must conclusively prove financial hardship, providing copies of all such financial documents as are necessary to show that it lacks sufficient funds to pay its regulatory fees and maintain its service to the public. *Assessment and Collection of Regulatory Fees for Fiscal Year 2019*, MD Docket 19-105, Report and Order and Further Notice of Proposed Rulemaking, 2019 WL 4072476, at \*16 (2019).

<sup>17</sup> 47 U.S.C. § 159A(c)(4)(C)(i); 47 CFR § 1.1164(f)(1).

<sup>18</sup> 47 U.S.C. § 159A(c)(4)(C)(ii); 47 CFR § 1.1164(f)(2).

<sup>19</sup> 47 U.S.C. § 159A(c)(4); 47 CFR §§ 0.61, 0.283, 1.1164(f).

11. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by registered mail, return receipt requested, to Cox Broadcast Group, Inc., 714 Narrow Way, St. Simons Island, GA 31522.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey  
Chief, Media Bureau

Mark Stephens, Managing Director  
Office of Managing Director