

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

In the Matter of)	
)	
Unidos Para Cristos, Inc.)	Facility ID 4931
Licensee KIJN(AM), Farwell, Texas)	FRN: 0019429083

ORDER TO PAY OR TO SHOW CAUSE

Adopted: January 28, 2020

Released: January 28, 2020

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 Unidos Para Cristos, Inc. (Licensee) for KIJN(FM), Farwell, Texas (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 Licensee 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) 2013, the deadline for paying regulatory fees was September 20, 2013;³ for FY 2014, it was September 23, 2014;⁴ for FY 2015, it was September 24, 2015;⁵ for FY 2016, it was September 27, 2016;⁶ for FY 2017, it was September 26, 2017;⁷ for FY 2018, it was September 25, 2018;⁸ and for FY 2019, it was September 27, 2019.⁹ When Licensee failed to pay its regulatory fees by

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 2013 Regulatory Fees*, Public Notice, 28 FCC Rcd 12635 (OMD 2013).

⁴ 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).

⁵ See *Payment Methods and Procedures for Fiscal Year 2015 Regulatory Fees*, Public Notice, 30 FCC Rcd 9941 (OMD 2015).

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

⁷ See *Payment Methods and Procedures for Fiscal Year 2017 Regulatory Fees*, Public Notice, 2017 FCC LEXIS 2779 (2017).

⁸ 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>.

⁹ See *Regulatory Fee Filing Window Is Extended to Friday, September 27, 2019*, Public Notice (rel. Sept. 23, 2019), 2019 WL 4948565 (OMD Sep. 23, 2019).

these deadlines, the Commission assessed charges that included the statutory late payment penalty required by the Act¹⁰ and Sections 1.1157(c)(1) and 1.1164 of the Rules,¹¹ 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.¹²

4. The Commission's records show that Licensee currently has unpaid regulatory fees of \$2,247.08 for FY 2013; \$2,167.76 for FY 2014; \$2,145.31 for FY 2015; \$1,936.24 for FY 2016; \$2,059.24 for FY 2017; \$1,721.68 for FY 2018 and \$1,871.60 for FY 2019. Additional charges will continue to accrue on these debts until they are paid in full. Demand Letters, which demanded payment of Licensee's delinquent regulatory fees, were previously sent to Licensee.¹³ When Licensee did not pay its unpaid regulatory fee debts, the Commission transferred most of that debt to the Secretary of Treasury at the Treasury Department for collection.¹⁴ 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.

5. In addition to financial penalties, Section 9A(c)(4) 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 (or related interest and penalties) in a timely fashion. Accordingly, we require Licensee 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,¹⁷ or show cause why the payment is inapplicable or should be waived or deferred.¹⁸ Licensee is hereby notified that failure to provide such evidence of payment or to show cause within the time specified may result in revocation of Licensee's license for the Station.

6. Under Section 9A(c)(4)(C) of the Act and Section 1.1164(f),¹⁹ an adjudicatory hearing will not be designated unless Licensee presents a substantial and material question of fact. Further,

¹⁰ 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.

¹¹ 47 CFR §§ 1.1157(c)(1), 1.1164.

¹² 31 U.S.C. § 3717; 47 CFR § 1.1940.

¹³ In addition to these Demand Letters, the Bureau notified Licensee of its delinquency in paying the Station's regulatory fees for FY 2013, and FY 2014. Letter from Peter H. Doyle, Chief, Audio Division, Media Bureau, to Law Office of Todd Steiner, PLC (MB dated July 1, 2015).

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

¹⁵ 47 U.S.C. § 159A(c)(4). As noted, *supra* at note 11, 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.

¹⁶ 47 CFR § 1.1164(f).

¹⁷ 47 CFR § 1.1164(a).

¹⁸ The Commission may waive, reduce, or defer payment of fee debt where good cause is shown and where waiver, reduction or deferral would promote the public interest. The Commission 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*

disposition of any adjudicatory hearing will be based upon written evidence only, and Licensee will bear the burden to introduce evidence and to provide proof in any such hearing.²⁰

7. To the extent that Licensee 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,²¹ Unidos Para Cristos, 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 2013, FY 2014, FY 2015, FY 2016, FY 2017, FY 2018 and FY 2019, **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)

Unidos Para Cristos, Inc., must provide the Payer FRN (if different than the FRN referenced above) and a contact phone number.

Unidos Para Cristos, 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 on the same day the wire transfer is initiated.

10. **IT IS FURTHER ORDERED** that Unidos Para Cristos, 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. When completing the FCC Form 159, Unidos Para Cristos, 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): 1337 (for FY 2013), 1437 (for FY 2014), 151537 (for FY 2015), 1637 (for FY 2016), 1737 for FY 2017, 1837 (for FY 2018) and 1937 (for FY 2019).

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).

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

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

²¹ 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 Unidos Para Cristos, Inc, 2909 North Prince, Clovis, NM 88101, and its counsel, Todd A. Steiner, Esq., PO Box 751, Woodstock, VA 22664.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

Mark Stephens, Managing Director
Office of Managing Director