

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Cox Broadcast Group, Inc.) FRN: 0006124457
Licensee of WCGA(AM), Woodbine, Georgia) File Nos. BL-19970307AC, BR-
20111216ABF; 0000094688

REVOCATION ORDER

Adopted: January 15, 2019

Released: January 16, 2019

By the Media Bureau and Office of the Managing Director:

I. INTRODUCTION

1. By this Revocation Order, we revoke the license held by Cox Broadcast Group, Inc. (Cox), for WCGA(AM), Woodbine, Georgia (Station), for failure to pay delinquent regulatory fees owed to the Commission. We also dismiss the pending applications for renewal of the Station’s license.

II. BACKGROUND

2. Under section 9 of the Communications Act of 1934, as amended (Act), and the Commission’s implementing rules, the Commission is required to “assess and collect regulatory fees” to recover the costs of certain regulatory activities. 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 that was not paid in a timely manner.” In addition to financial penalties, section 9A(c)(4)(A) of the Act, and section 1.1164(f) of the Commission’s rules (Rules) grant the Commission the authority to revoke authorizations for failure to pay regulatory fees (or related interest and penalties) in a timely fashion.

3. For fiscal year (FY) 2010, the deadline for paying regulatory fees was August 31, 2010; for FY 2013, it was September 20, 2013; for FY 2016, it was September 27, 2016; for FY 2017, it was September 26, 2017; and for FY 2018, it was September 25, 2018.

4. Cox failed to timely pay or only partially paid the Station’s regulatory fees for FY 2010, FY 2013, FY 2016, FY 2017, and FY 2018. Thus, for each delinquent regulatory fee, the Commission assessed the statutory late payment penalty required by the Act, and sections 1.1157(c)(1) and 1.1164 of

1 Although this Revocation Order addresses Cox’s failure to pay the Station’s regulatory fees for a number of fiscal years, we note that failure to pay any regulatory fee, related interest or penalties, or any portion thereof is grounds for revocation. See 47 U.S.C. § 159A(c)(4)(A) (“[T]he Commission may revoke any instrument of authorization held by any licensee that has not paid in a timely manner a regulatory fee assessed under section 9 ...”).

2 File Nos. BR-20111216ABF; 0000094688.

3 47 U.S.C. § 159(a); 47 CFR §§ 1.1151-1.1167.

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

5 47 U.S.C. § 159A(c)(4)(A); 47 CFR § 1.1164(f).

6 47 U.S.C. § 159A(c)(1); 47 U.S.C. § 159(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.

the Rules,⁷ and interest, penalties, and administrative costs required by law.⁸ The Commission sent demand letters to Cox demanding payment of the delinquent regulatory fees debts.⁹ To date, Cox has not paid any of the debts.¹⁰

5. On October 28, 2019, the Media Bureau (Bureau) and the Office of Managing Director issued Cox an *Order to Pay or to Show Cause (Order)* and required Cox to file with the Bureau within sixty (60) calendar days¹¹ evidence of full payment of the debt, or show cause why the fees were inapplicable or should be waived or deferred.¹² The *Order* further stated that failure to provide such evidence of payment or to show cause within the time specified could result in revocation of the Station's license.¹³ Cox did not file any response to the *Order*.

III. DISCUSSION

6. We revoke the Station's license.¹⁴ The Bureau issued the *Order* on October 28, 2019, and it required Cox to respond within 60 days.¹⁵ The *Order* specified that failure to provide evidence of payment or show cause within the time specified could result in revocation of the Station's license.¹⁶ As stated above, Cox did not file evidence of payment of its outstanding regulatory fees or show cause why such payment is inapplicable or should be waived or deferred within the time provided.¹⁷ In these circumstances, where Cox has failed to pay its regulatory fees for multiple years and failed to respond to multiple letters regarding those delinquent debts, revocation is appropriate.¹⁸

7. This *Revocation Order* does not relieve Cox of its obligation to pay any debt, including any regulatory fee, or any other financial obligation that has or may become due resulting from the authorizations held until revocation.

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED** that, pursuant to section 9A(c)(4) of the Act and sections

⁷ 47 CFR §§ 1.1157(c)(1), 1.1164.

⁸ 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, 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).

⁹ 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 June 4, 2015).

¹⁰ *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.

¹¹ While not required by the statute, the Commission adopted the 60-day response period for regulatees "to assure that the subject regulatee will have a full opportunity to obtain the funds needed to make payment and to prepare its case." *Implementation of Section 9 of the Communications Act*, Report and Order, 9 FCC Rcd 5333, 5354, para. 62 (1994).

¹² *Cox Broad. Group, Inc.*, Order to Pay or to Show Cause, DA 19-1097 (MB Oct. 28, 2019) (*Show Cause Order*). At that time, the Commission's records showed that Cox had unpaid regulatory fees 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. *Id.* at para. 4.

¹³ *Id.* at para. 5. *See also* 47 U.S.C. §159A(c)(4).

0.11, 0.61, 0.231, 0.283, and 1.1164(f) of the Rules,¹⁹ the license of Cox Broadcast Group, Inc., for Station WCGA(AM) **IS HEREBY REVOKED**.

9. **IT IS FURTHER ORDERED** that all authority to operate this facility **IS TERMINATED** and any operation of the facility **is now unauthorized and must cease immediately**.

10. **IT IS FURTHER ORDERED** that the Commission's public and internal database will be modified to reflect the revocation and the Station's call sign **IS HEREBY DELETED**.

11. **IT IS FURTHER ORDERED** that the renewal applications filed on December 16, 2011 (File No. BR-20111216ABF), and December 2, 2019 (File No. 0000094688) **ARE DISMISSED**.

12. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by first class mail and 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 the Managing Director

¹⁴ We note that Cox may have been or continue to be 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.

¹⁵ *Show Cause Order* at para. 5.

¹⁶ *Id.*

¹⁷ Cox's response was due on December 27, 2019. As of the date of this *Revocation Order*, Cox still has not filed evidence of payment of its outstanding regulatory fees or filed a response in which it has shown cause why such payment is inapplicable or should be waived or deferred.

¹⁸ *See, e.g., Shelley Broad. Co., Inc.*, Revocation Order, 34 FCC Rcd 7983 (MB/OMD 2019); *Deane Bros. Broad. Corp.*, Revocation Order, 34 FCC Rcd 2151 (MB/OMD 2019) (both revoking station licenses for failure to pay delinquent regulatory fees). *See also LDC Telecomm., Inc.*, Revocation Order, 31 FCC 11662 (2016) (revoking authorizations held by LDC for failure to pay delinquent regulatory fees).

¹⁹ 47 U.S.C. § 159A(c)(4); 47 CFR §§ 0.11, 0.61, 0.231, 0.283, 1.1164(f).