

Mr. Ramón Edwin Colón Pratts
President
Las Raíces Pepinianas, Inc.
Apartado 1670
San Sebastián, Puerto Rico 00685

May 13, 2021

Licensee: Las Raíces Pepinianas, Inc.
Station/Call Sign: WLRP
Waiver and Refund Request: FY 2016 Regulatory Fees
Disposition: Denied (47 U.S.C. § 159(c) and (d));¹ 47 CFR §§
1.1160 and 1.1166)
Date Request Filed: November 30, 2016
Date Regulatory Fees Paid: September 21, 2016
Fee Control No.: RROG-2017-16285

Dear Mr. Pratts:

This responds to the request for deferral and/or waiver of regulatory fees (the Request) of Las Raíces Pepinianas, Inc. (Las Raíces).² For the reasons stated below, we deny the Request.³

In its Request, Las Raíces asks the Commission to waive and/or defer payment of regulatory fees for financial hardship reasons, stating that Las Raíces experienced negative cash flow including for 2015 and 2016. The Request includes an unaudited balance sheet and income statement for an indeterminate period ending June 30, 2016.⁴ Though the Request asks for waiver relief with respect to FY 2017 regulatory fees, it provides only financial data through the mid-year point of 2016, and the Request itself pre-dates the FY 2017 regulatory fee payment due date by nearly a year. For those reasons, we assume that Las Raíces intended to request a waiver of its FY 2016 fees and will treat the Request as such.⁵

Section 9(d) of the Communications Act of 1934, as amended, permits the Commission to waive, reduce, or defer payment of a regulatory fee upon a showing of good case and a finding that the public interest will be served thereby.⁶ The Commission has narrowly interpreted its waiver authority under section 9(d) to require a showing of extraordinary and compelling circumstances that outweigh the public interest in recouping the Commission's regulatory costs.⁷ While fee relief may be granted based on financial hardship, "[m]ere allegations or documentation of financial loss, standing alone," do not

¹ 47 U.S.C. § 159(c) and (d) are now codified at 47 U.S.C. § 159A(c) and (d).

² Letter from Ramón Edwin Colón Pratts, Las Raíces Pepinianas, Inc., Apartado 1670, San Sebastián, Puerto Rico 00685 to Office of the Managing Director, Federal Communications Commission, 445 12th St. S.W., Room 1-A625, Washington, D.C. (Nov. 23, 2016, *rec'd* Nov. 30, 2016) (Request).

³ We also dismiss that portion of the Request seeking a deferral of payment of the fees as unnecessary because Las Raíces paid its FY 2016 regulatory fees on September 21, 2016.

⁴ Request. Neither the balance sheet nor the financial statement indicate the beginning of the period covered.

⁵ Because the FY 2016 regulatory fees were paid in full when the Request was filed, we will also treat the Request as a request for waiver and refund of the fees pursuant to 47 CFR §§ 1.1160 and 1.1166.

⁶ 47 U.S.C. §159(d), now codified as 47 U.S.C. § 159A(d); 47 CFR § 1.1166.

⁷ *See Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, Report and Order, 9 FCC Rcd 5333, 5344, para. 29 (1994), *recon. denied*, 10 FCC Rcd 12759 (1995) (Adopting the Commission's "extraordinary and compelling circumstances" application fee waiver standard for waiver of regulatory fees.)

suffice.⁸ Among the documents the Commission has suggested that a regulatee provide to prove its claim of financial hardship are audited balance sheets and profit and loss statements, cash flow projections for the next twelve months (with an explanation of how calculated), a list of officers and highest paid employees (other than officers) and each individual's compensation, or similar information.⁹ The foregoing list of documents is not exhaustive and "it is incumbent upon each [requestor] to fully document its financial position and show that it lacks sufficient funds to pay the ...fee and maintain its service to the public."¹⁰ On this information, the Commission considers on a case-by-case basis whether the requesting party has met its burden of proof and has demonstrated the existence of extraordinary and compelling circumstances that outweigh the public interest in recouping the Commission's regulatory costs.¹¹

Las Raíces did not meet its burden of proof and demonstrate financial hardship to warrant waiver of its FY 2016 fees. The unaudited balance sheet and income statement do not indicate what period is covered, other than the end date of the period, leaving open the question whether Las Raíces actually experienced a cashflow shortfall in 2016.¹² In addition, Las Raíces did not provide any financial information for any of the months following June 2016. Without updated information, such as operating statements for the months following June 2016 and a projected cashflow statement, we are unable to conclude that Las Raíces lacked sufficient funds to pay its regulatory fee and continue providing service to the public. In sum, Las Raíces failed to prove financial hardship or extraordinary and compelling circumstances that outweigh the public interest in recouping the Commission's regulatory costs.

Accordingly, the Request is denied.

Sincerely,



James Lyons
Deputy Chief Financial Officer

⁸ *Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, Memorandum Opinion and Order, 10 FCC Rcd 12759, 12761-62, para. 13 (1995).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² The Request states "WLRP experienced negative cashflow in few years, including 2015-16, as demonstrated in the attached financial documentation...", from which one might conclude that the financial documentation covers one or more years preceding 2016, in addition to the first six months of 2016.

