

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

In the Matter of

Pedro Arce
Licensee of WCND(AM),
Shelbyville, Kentucky

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Facility ID: 60083

FRN: 0022835128
Application File Nos. BL-
19900117AH, 0000112858

REVOCATION ORDER

Adopted: July 25, 2025

Released: July 25, 2025

By the Chief, Media Bureau, and the Managing Director, Office of Managing Director:

I. INTRODUCTION

1. By this *Revocation Order*, we revoke the license held by Pedro Arce (Licensee), for WCND(AM), Shelbyville, Kentucky (Station), for failure to pay its fiscal year (FY) 2013, 2014, 2015, 2016, 2022, and 2023 regulatory fee debt owed to the Commission, totaling \$9,261.41 as of July 11, 2025.¹ We also dismiss the pending application for renewal of the Station's license.²

II. DISCUSSION

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.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 that was not paid in a timely manner."⁴ 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.⁵

3. Licensee failed to timely pay or only partially paid the Station's regulatory fees for FYs 2013, 2014, 2015, 2016, 2022, and 2023. For FY 2013, the deadline for paying regulatory fees was September 20, 2013;⁶ for FY 2014, it was September 23, 2014;⁷ for FY 2015, it was September 24, 2015;⁸

¹ 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 or any related interest or penalty."). The debt will continue to accrue interest and other charges until paid in full.

² Application File No. 0000112858 (Renewal Application).

³ 47 U.S.C. § 159(a)(1); 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 *Payment Methods and Procedures for Fiscal Year 2013 Regulatory Fees*, Public Notice, DA 13-1796, 28 FCC Rcd 12635 (OMD September 4, 2013).

⁷ *Payment Methods and Procedures for Fiscal Year 2014 Regulatory Fees*, Public Notice, DA 14-1283, 29 FCC Rcd 10500 (OMD September 5, 2014).

⁸ *Payment Methods and Procedures for Fiscal Year 2015 Regulatory Fees*, Public Notice, DA 15-1013, 30 FCC Rcd 9941 (OMD September 11, 2015).

for FY 2016, it was September 27, 2016,⁹ for FY 2022, it was September 30, 2022,¹⁰ and for FY 2023, it was September 20, 2023.¹¹

4. Thus, for each delinquent regulatory fee, the Commission assessed the statutory late payment penalty required by the Act,¹² and sections 1.1157(c)(1), and 1.1164 of the Rules,¹³ and interest, penalties, and administrative costs required by law.¹⁴ The Commission sent demand letters to Licensee demanding payment of the delinquent regulatory fee debts.

5. On April 30, 2025, the Media Bureau (Bureau) and the Office of Managing Director (OMD) jointly issued an *Order to Pay or to Show Cause (Order)* requiring Licensee to file with the Bureau within sixty (60) calendar days¹⁵ evidence of full payment of the regulatory fee debt owed, or show cause why the fees were inapplicable or should be waived or deferred.¹⁶ 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.¹⁷ To date, Licensee has not paid any of the debts, and Licensee has not filed a written response to the *Order*.

III. DISCUSSION

6. We revoke the Station's license. The Bureau and OMD issued the *Order* on April 30, 2025, and it required Licensee to respond within 60 days.¹⁸ 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

⁹ *Payment Methods and Procedures for Fiscal Year 2016 Regulatory Fees*, Public Notice, 2016 WL 4625515 (OMD September 6, 2016).

¹⁰ *Fiscal Year 2022 Regulatory Fee Filing Deadline Is Extended to Friday, September 30, 2022, for All Regulatory Fee Payors*, Public Notice, DA 22-1023, 37 FCC Rcd 11154 (OMD September 28, 2022).

¹¹ *Payment Methods and Procedures for Fiscal Year 2023 Regulatory Fees*, Public Notice, DA 23- 765, 38 FCC Rcd 7773 (OMD August 28, 2023).

¹² 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.

¹³ 47 CFR §§ 1.1157(c)(1), 1.1164.

¹⁴ 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).

¹⁵ 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, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, MD Docket No. 94-19, Report and Order, 9 FCC Rcd. 5333, 5354 para. 62 (1994) (1994 Report and Order); *see also Shelly Broadcasting Company, Inc.*, Revocation Order, 34 FCC Rcd 7983 (MB/OMD 2019) (revoking license of station with unpaid regulatory fees after licensee failed to pay fees or respond to order to pay or show cause within 60 days); *Dean Brothers Broadcasting Corp.*, Revocation Order, 34 FCC Rcd 2151 (MB/OMD 2019).

¹⁶ *Pedro Arce, Licensee of WCND(AM), Shelbyville, Kentucky*, Order to Pay or to Show Cause, DA 25-380 (MB/OMD Apr. 30, 2025) (*Order*). At that time, the Commission's records showed that Licensee had unpaid regulatory fees for WCND(AM) of \$1,361.69 for FY 2013; \$1,829.08 for FY 2014; \$1,702.28 for FY 2015; \$1,535.07 for FY 2016; \$1,419.51 for FY 2022; and \$1,413.78 for FY 2023. *Id.* at para. 4.

¹⁷ *Id.* at para. 5. *See also* 47 U.S.C. § 159a(c)(4).

¹⁸ *Order* at para. 5.

license.¹⁹ Licensee did not file a written response to the *Order*.²⁰ In these circumstances, where Licensee has failed to pay its regulatory fee debt and does not dispute that it is obligated to pay the debt, we conclude revocation is appropriate.²¹

7. We note that this *Revocation Order* does not relieve Licensee of its obligation to pay any debt, including any regulatory fee or any other financial obligation that is owed or may in the future be owed to the Commission. We further note that Licensee may have been or may 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.

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED** that, pursuant to section 9a(c)(4) of the Act and sections 0.11, 0.61, 0.231, 0.283, and 1.1164(f) of the Rules,²² the license of Pedro Arce, for Station WCND(AM), Shelbyville, Kentucky, **IS HEREBY REVOKED**.

9. **IT IS FURTHER ORDERED** that all authority to operate the facility **IS TERMINATED** and any operation of the facility **is now unauthorized and must cease immediately**.²³

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 application filed on April 29, 2020 (Application File No. 0000112858), **IS DISMISSED**.

¹⁹ *Id.*

²⁰ A copy of the *Order* was sent by registered mail, return receipt requested, to the address provided by Licensee in the Renewal Application. See 47 CFR § 1.5(a) (unless any licensee advises the Commission to the contrary, the address contained in the licensee's most recent application will be used by the Commission). A signed certified mail receipt was not returned to the Commission. Additionally, a courtesy copy was sent to the email addresses on file for Licensee. Email from Keith Coburn, Audio Division, FCC Media Bureau, to Pedro Arce (Apr. 30, 2025, 12:29pm EDT). As a courtesy, Commission staff sent Mr. Arce a final warning by email advising him that failure to pay regulatory fees or response to the *Order* would result in the revocation of this license. Email from Alexander Sanjenis, Audio Division, FCC Media Bureau, to Pedro Arce (July 7, 2025, 2:22 PM EDT).

²¹ 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 license 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).

²² 47 U.S.C. § 159a(c)(5); 47 CFR §§ 0.11, 0.61, 0.231, 0.283, 1.1164(f).

²³ **It is imperative to the safety of air navigation that any prescribed painting and illumination of the Station's tower be maintained.** See 47 CFR §§ 17.6 and 73.1213.

12. **IT IS FURTHER ORDERED** that a copy of this *Revocation Order* shall be sent by first class mail and registered mail, return receipt requested, to Pedro Arce, P.O. Box 8103, Lexington, KY 40533.

FEDERAL COMMUNICATIONS COMMISSION

Erin Boone
Acting Chief, Media Bureau

Mark Stephens, Managing Director
Office of Managing Director