

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
Southwest Montana Media, LLC)
Licensee of KBOQ(AM), Lima, Montana,) Facility ID 198810
) FRN: 0027967082
Former Licensee of)
)
DKANA(AM), Anaconda, Montana,) Facility ID 688
) FRN: 0027967082
and)
) and
Former Permittee of)
DK264CZ, Butte, Montana) Facility ID 203156
) FRN: 0027967082

ORDER TO PAY OR SHOW CAUSE

Adopted: April 23, 2026

Released: April 24, 2026

By the Deputy 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 Southwest Montana Media, LLC (Licensee) for KBOQ(FM), Lima, Montana (Station), for failure to pay delinquent regulatory fees and associated interest, administrative costs, and penalties owed to the Federal Communications Commission (Commission). Licensee formerly held a license for DKANA(FM), Anaconda, Montana, and a construction permit for DK264CZ, Butte, Montana, and has unpaid regulatory fees those stations as well. 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 section 1.1151 of the Commission’s rules (Rules), the Commission is required to “assess and collect regulatory fees” to recover the cost of carrying out the functions of the Commission.” When the required payment is received late or is incomplete, the Commission must assess a penalty equal to “25 percent of the

1 On August 21, 2023, Licensee surrendered its license for DKANA(AM) (Dismissal of Pending Renewal, Application File No. 0000129189) and construction permit for DK265CZ (Cancelled Construction Permit, CDBS File No. BNPFT-20180509ACK and Dismissal of Pending License, Application File No. 0000150066). Licensee remains responsible for these regulatory fees from FY 2023—which started on October 1, 2022, and ended on September 30, 2023—for these cancelled licenses. Review of the Commission’s Assessment and Collection of Regulatory Fees for Fiscal Year 2023, Review of the Commission’s Assessment and Collection of Regulatory Fees, MD Docket Nos. 23-159, 22-301, Second Report and Order, 38 FCC Rcd 8071, 8122, para. 139 (2023) (“Regulatory fees must be paid for all broadcast facility licenses granted on or before October 1, 2022.”).

2 47 U.S.C. § 159(a)(1); 47 CFR § 1.1151.

amount of the fee which was not paid in a timely manner.”³

3. For fiscal year (FY) FY 2019, the deadline for paying regulatory fees was September 27, 2019;⁴ for FY 2021, it was September 27, 2021;⁵ for FY 2022, it was September 30, 2022;⁶ and for FY 2023, it was September 20, 2023.⁷ When Licensee failed to pay or only partially paid its regulatory fees by those deadlines, the Commission assessed charges that included the statutory late payment penalty required by the Act⁸ and section 1.1164 of the Rules,⁹ and interest and administrative costs required by section 3717 of the Debt Collection Improvement Act of 1996 (the DCIA) and section 9a(c)(2) of the Act and section 1.1940 of the Rules.¹⁰

4. The Commission’s records show that Licensee currently has unpaid regulatory fee debt for KBOQ(FM) of \$1,273.18 for FY 2019; \$1,372.94 for FY 2021; and \$812.50 for FY 2023; for DKANA(AM) of \$833.93 for FY 2019; \$859.69 for FY 2021; and \$850.00 for FY 2023; for DK264CZ of \$427.56 for FY 2022; and \$325.00 for FY 2023, for a total of \$6,754.80. Additional interest and other charges will continue to accrue on these debts until they are paid in full. The Commission sent Licensee DCIA demand letters demanding payment of these delinquent regulatory fees.¹¹ When Licensee did not pay its regulatory fee debts, the Commission transferred the debts to the United States Department of Treasury (Treasury) for collection.¹² At the Commission’s request, the Treasury has returned the FYs 2019, 2021, 2022 and 2023 regulatory fee debts to the Commission for further collection.

5. The Commission has authority under section 9a(c)(4) of the Act and section 1.1164(f) of the Rules to revoke licenses and authorizations for failure to pay regulatory fees (or related interest or 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 or show cause why the payment is inapplicable or should be waived or deferred.¹³ Licensee is hereby notified that failure to provide such evidence of payment or

³ 47 U.S.C. § 159a(c)(1); 47 CFR § 1.1164.

⁴ *Regulatory Fee Filing Window Extended to Friday, September 27, 2019*, Public Notice, DA 19-941, 34 FCC Rcd 8580 (OMD September 23, 2019).

⁵ *Regulatory Fee Filing Window is Extended to Monday, September 27, 2021*, Public Notice, DA 21-1201, 36 FCC Rcd 13907 (OMD September 24, 2021).

⁶ *Fiscal Year 2022 Regulatory Fee Filing Deadline Extended to Friday, September 30, 2022, for All Regulatory Fee Payers*, Public Notice, DA 22-1023, 37 FCC Rcd 11154 (OMD September 28, 2022).

⁷ *Payment Methods and Procedures for Fiscal Year 2023 Regulatory Fees*, Public Notice, DA 23- 765 (OMD August 28, 2023).

⁸ 47 U.S.C. § 159(c)(3) (1993); 47 U.S.C. § 159a(c)(1) (2018). 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.

⁹ 47 CFR § 1.1164.

¹⁰ 31 U.S.C. § 3717; 47 U.S.C. § 159a(c)(2); 47 CFR § 1.1940.

¹¹ See 31 U.S.C. § 3711; 31 CFR § 901.2. In addition to the demand letter, the Media Bureau notified Licensee of its delinquency in paying the Station’s regulatory fees. Email from Robin Lott, Audio Division, FCC Media Bureau, to Ted Austin (Apr. 6, 2023, 7:59 PM EDT); Email from Alexander Sanjenis, Audio Division, FCC Media, to Ted Austin (June 27, 2025, 1:14 AM EDT).

¹² See 31 U.S.C. § 3711(g); 31 CFR §§ 285.12(c), 901.1; 47 CFR § 1.1917.

¹³ 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

(continued....)

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) of the Rules,¹⁴ an adjudicatory hearing will not be designated unless Licensee presents a substantial and material question of fact. Further, 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.¹⁵ Unless the Licensee substantially prevails in the hearing, the Commission may assess the Licensee for the costs of such hearing.¹⁶

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 0.11, 0.61, 0.231, 0.283 and 1.1164(f) of the Rules, Southwest Montana Media, LLC, 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 FYs 2019, 2021, 2022 and 2023 **OR SHOW CAUSE** to the Commission within sixty (60) calendar days of the date of this Order why these regulatory fees are inapplicable to Licensee or should otherwise be waived or deferred.

9. **IT IS FURTHER ORDERED** that payment of the delinquent regulatory fee debt must be made through the Commission's Registration System (CORES)¹⁷ or 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)

Southwest Montana Media, LLC must provide the Payer FRN (if different than the FRN referenced above) and a contact phone number.

Southwest Montana Media, LLC 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.

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, 34 FCC Rcd 8189, 8207-08, paras. 49-51 (2019).

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

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

¹⁶ 47 U.S.C. § 159a(c)(4)(C)(ii)(iii); 47 CFR § 1.1164(f)(3).

¹⁷ <https://apps.fcc.gov/cores/userLogin.do>

10. **IT IS FURTHER ORDERED** that Southwest Montana Media, LLC, 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, Southwest Montana Media, LLC, 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): for KBOQ(FM), 1941 (for FY 2019), 2041 (for FY 2021) and 2341 (for FY 2023); for DKANA(AM), 1935 (for FY 2019), 2135 (for FY 2021) and 2335 (for FY 2023); and for DK264CZ, 2268 (for FY 2022) and 2368 (for FY 2023).

11. Any written response must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to section 1.16 of the Commission's rules.¹⁸ The written response must be filed with the Office of the Secretary, Federal Communications Commission, 45 L Street NE, Washington DC 20554, ATTN: Albert Shuldiner, Chief, Audio Division, Media Bureau. Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. A copy must be emailed to Alexander.Sanjenis@fcc.gov and Olivia.Hill@fcc.gov. If your response includes a request for a waiver of outstanding regulatory fees or for an installment payment plan, your response should also be emailed to regfeerelig@fcc.gov.

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.¹⁹

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

12. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by registered mail, return receipt requested, to Southwest Montana Media, LLC, c/o Ted W. Austin, Jr., P.O. Box 17, Saint Anthony, ID 83445, and its Counsel, Jeffrey L. Timmons, Esq., 974 Branford Lane, NW, Lilburn, GA 30047.

FEDERAL COMMUNICATIONS COMMISSION

Alexander Sanjenis
Deputy Chief, Media Bureau

Daniel Daly
Managing Director, Office of Managing Director

¹⁸ 47 CFR § 1.16.

¹⁹ Hand-delivered or messenger delivered paper filings continue to NOT be accepted at FCC Headquarters.