

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of
Ernest R. Lopez
Licensee of KXTM(FM),
Benavides, Texas
Facility ID 171034
FRN: 0022635957

ORDER TO PAY OR SHOW CAUSE

Adopted: June 11, 2026

Released: June 11, 2026

By the Acting 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 Ernest R. Lopez (Licensee) for KXTM(FM), Benavides, Texas (Station), for failure to pay delinquent regulatory fees and associated interest, administrative costs, and penalties owed to the Federal Communications Commission (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 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.”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) FY 2020, the deadline for paying regulatory fees was September 28, 2020;3 and for FY 2021, it was September 27, 2021.4 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 Act5 and section 1.1164 of the Rules,6 and interest and administrative

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

2 47 U.S.C. § 159a(c)(1); 47 CFR § 1.1164.

3 Regulatory Fee Filing Window is Extended to Monday, September 28, 2020, Public Notice, DA 20-1131, 35 FCC Rcd 10466 (OMD September 24, 2020).

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

5 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.

6 47 CFR § 1.1164.

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.<sup>7</sup>

4. The Commission's records show that Licensee currently has unpaid regulatory fee debt for KXTM(FM) of \$476.64 for FY 2020; and \$1,372.94 for FY 2021, for a total of \$1,849.58. 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.<sup>8</sup> When Licensee did not pay its regulatory fee debts, the Commission transferred the debts to the United States Department of Treasury (Treasury) for collection.<sup>9</sup> At the Commission's request, the Treasury has returned the FYs 2020 and 2021 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.<sup>10</sup> 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) of the Rules,<sup>11</sup> 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.<sup>12</sup> Unless the Licensee substantially prevails in the hearing, the Commission may assess the Licensee for the costs of such hearing.<sup>13</sup>

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.

---

<sup>7</sup> 31 U.S.C. § 3717; 47 U.S.C. § 159a(c)(2); 47 CFR § 1.1940.

<sup>8</sup> 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 Ernest Lopez (Apr. 10, 2023, 5:17 PM); Email from Alexander Sanjenis, Audio Division, FCC Media Bureau to Ernest Lopez (June 27, 2025, 1:23 AM EDT); Email from Alexander Sanjenis, Audio Division, FCC Media Bureau to Michael Celenza (Apr. 6, 2026, 6:15 PM EDT).

<sup>9</sup> See 31 U.S.C. § 3711(g); 31 CFR §§ 285.12(c), 901.1; 47 CFR § 1.1917.

<sup>10</sup> 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 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).

<sup>11</sup> 47 U.S.C. § 159a(c)(4)(C)(i); 47 CFR § 1.1164(f)(1).

<sup>12</sup> 47 U.S.C. § 159a(c)(4)(C)(ii); 47 CFR § 1.1164(f)(2).

<sup>13</sup> 47 U.S.C. § 159a(c)(4)(C)(ii)(iii); 47 CFR § 1.1164(f)(3).

### 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, Ernest R. Lopez, 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 2020 and 2021 **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)<sup>14</sup> 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)

Ernest R. Lopez must provide the Payer FRN (if different than the FRN referenced above) and a contact phone number.

Ernest R. Lopez 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](mailto:RROGWireFaxes@fcc.gov) on the same day the wire transfer is initiated.

10. **IT IS FURTHER ORDERED** that Ernest R. Lopez 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](http://www.fcc.gov/Forms/Forms%20159/159.pdf). When completing the FCC Form 159, Ernest R. Lopez 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 KXTM(FM), 2063 (for FY 2020), and 2163 (for FY 2021).

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.<sup>15</sup> 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](mailto:Alexander.Sanjenis@fcc.gov) and [Olivia.Hill@fcc.gov](mailto: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](mailto: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,

---

<sup>14</sup> <https://apps.fcc.gov/cores/userLogin.do>

<sup>15</sup> 47 CFR § 1.16.

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.<sup>16</sup>

- 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 Ernest R. Lopez, 116 Mesa Drive, Robstown, TX 78380, and its Legal Representative, Michael Celenza, Celenza Communications, P.O. Box 11727, Coram, NY 11727.

FEDERAL COMMUNICATIONS COMMISSION

Alexander Sanjenis  
Acting Chief, Media Bureau

Daniel Daly  
Managing Director, Office of Managing Director

---

<sup>16</sup> Hand-delivered or messenger delivered paper filings continue to NOT be accepted at FCC Headquarters.