

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

In the Matter of)
)
97.5 Licensee TX, LLC) MB Docket No. 26-19
Licensee)
) FRN: 0026209908
Luz Maria Rygaard)
Transferor)
and)
)
Lorena Margarita Perez Toscano)
Transferee)
)
KBNA-FM, El Paso, Texas) Facility ID No. 67066
KAMA(AM), El Paso, Texas) Facility ID No. 36948
KQBU(AM), El Paso, Texas) Facility ID No. 67065
)
) Application File Nos. 0000216454, et al.

ORDER

Adopted: June 17, 2026

Released: June 17, 2026

By the Deputy Associate General Counsel:

1. This Order disposes of the appeal of 97.5 Licensee TX, LLC and Luz Maria Rygaard (collectively, the Licensee) seeking reversal of the Presiding Judge’s Termination Order granting the Enforcement Bureau’s (the Bureau) motion for leave to file a response to the Licensee’s statement submitted pursuant to section 1.92(b) of the Commission’s rules. The Licensee has provided no reason sufficient to justify excluding the Bureau’s Response from the record of this matter and we therefore deny the appeal. We also dismiss certain additional matters not resolved in the Termination Order. The Commission will address the merits of the issues designated for hearing in the regular course of business.

1 See Appeal of 97.5 Licensee TX, LLC and Luz Maria Rygaard Pursuant to 47 CFR § 1.302, MB Docket No. 26-19 (filed Mar. 26, 2026) (Appeal); see also 47 CFR § 1.302(a).

2 See 97.5 Licensee TX, LLC, MB Docket No. 26-19, Order Terminating Hearing Proceeding and Certifying Case to the Commission, FCC 26M-01, at 2, para. 5 (ALJ Feb. 25, 2026) (Termination Order) (granting Enforcement Bureau’s Motion for Leave to File Response to Written Statement of 97.5 Licensee TX, LLC and Luz Maria Rygaard, MB Docket No. 26-19 (filed Feb. 19, 2026)); see also Enforcement Bureau’s Response to Written Statement of 97.5 Licensee TX, LLC and Luz Maria Rygaard, MB Docket No. 26-19 (filed Feb. 19, 2026) (Response).

3 See Motion of 97.5 Licensee TX, LLC and Luz Maria Rygaard to Strike Enforcement Bureau’s Response to Written Statement, MB Docket No. 26-19 (filed Feb. 25, 2026) (Motion to Strike); Enforcement Bureau’s Motion for Leave to File Opposition to Motion to Strike, MB Docket No. 26-19 (filed Mar. 3, 2026); Enforcement Bureau’s Opposition to Motion to Strike, MB Docket No. 26-19 (filed Mar. 3, 2026) (Opposition to Motion to Strike).

4 47 CFR § 1.92(d); see also 47 CFR § 0.111(a)(18) (The Enforcement Bureau is delegated authority to “[i]ssue or draft appropriate orders after a hearing proceeding has been terminated by the presiding officer on the basis of

(continued....)

I. BACKGROUND

2. This matter arises from the Media Bureau's order of January 23, 2026, designating for hearing substantial and material questions as to whether, *inter alia*, Luz Maria Rygaard (Ms. Rygaard) and Lorena Margarita Pérez Toscano (Ms. Toscano) possess the character to be or to remain a Commission licensee.⁵ Neither Ms. Rygaard nor Ms. Toscano elected "to avail themselves of the opportunity to be heard and to present evidence at a hearing in this proceeding"⁶ and, on February 12, 2026, the Licensee filed the Written Statement waiving their right to a hearing and providing information intended to mitigate or justify the circumstances or misconduct complained of in the *HDO*.⁷ Of particular note, the Written Statement urged the Commission to resolve this matter through a consent decree with a compliance plan.⁸

3. On February 19, 2026, the Bureau filed with the Presiding Judge a Response to the Written Statement together with a motion for leave to file.⁹ The Response argued that section 1.93(b) of the Commission's rules prohibits the consent decree requested by Licensee because the *HDO* designated for hearing a question as to whether Ms. Rygaard had the qualifications to hold a Commission license.¹⁰

4. By order dated February 25, 2026, the Presiding Judge terminated the hearing and certified the issues designated for hearing to the Commission for resolution under section 1.92 of the Commission's rules.¹¹ The *Termination Order* granted the Bureau's request for leave to respond to the Written Statement.¹²

5. The same day, the Licensee filed with the Presiding Judge an opposition to the Bureau's motion for leave to file its Response and a motion to strike the Bureau's Response.¹³ On March 3, 2026, the Bureau filed with the Commission an opposition to Licensee's Motion to Strike together with a motion for leave to file.¹⁴ On March 6, 2026, the Licensee filed a Notice of Appeal¹⁵ and this Appeal followed on March 27, 2026.

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waiver."); *Metro Two-Way, LLC*, WTB Docket No. 18-133, Order of Revocation, 33 FCC Rcd 6278 (EB 2018); *Acumen Communs.*, WT Docket No. 17-17, Order of Revocation, 33 FCC Rcd 4 (EB 2018); *Roger Wahl*, MB Docket No. 21-401, Revocation Order, 38 FCC Rcd 3335 (EB 2023).

⁵ See 97.5 Licensee TX, LLC, MB Docket No. 26-19, Hearing Designation Order, Order to Show Cause Why an Order of Revocation Should not be Issued, and Notice of Opportunity for Hearing, DA 26-76 (MB Jan. 23, 2026) (*HDO*).

⁶ *Id.* at 32, para. 81; see 47 CFR §§ 1.91(c), 1.221(c); 47 U.S.C. § 309(e).

⁷ Written Statement of 97.5 Licensee TX, LLC Submitted Pursuant to 47 C.F.R. § 1.92(b) in Response to Hearing Designation Order, Order to Show Cause Why an Order of Revocation Should not be Issued, and Notice of Opportunity for Hearing, MB Docket No. 26-19 (filed Feb. 12, 2026) (Written Statement). There is no information available to us to indicate that Ms. Toscano either timely filed a notice of appearance or joined the Licensee's Written Statement. We must presume therefore that Ms. Toscano waived her right to appear and does not intend to participate in this proceeding. *Cf.* 47 CFR § 1.221(f)(3).

⁸ See, e.g., Written Statement at 20-30.

⁹ See Response.

¹⁰ *Id.* at 7, para. 9.

¹¹ *Termination Order* at 3, para. 8.

¹² *Id.* at 2-3, para. 5.

¹³ See Opposition of 97.5 Licensee TX, LLC and Luz Maria Rygaard to Enforcement Bureau's Motion for Leave to File Response to Written Statement, MB Docket No. 26-19 (filed Feb. 25, 2026); Motion to Strike.

¹⁴ See Enforcement Bureau's Motion for Leave to File Opposition to Motion to Strike, MB Docket No. 26-19 (filed Mar. 3, 2026); Opposition to Motion to Strike.

II. DISCUSSION

6. On appeal, the Licensee challenges the *Termination Order* only to the extent it accepted the Bureau's Response and asks the Commission to exclude the Response from the certified record.¹⁶ In the alternative, the Licensee asks for leave to file a reply to the Response "within a reasonable period."¹⁷ The Licensee's arguments are two-fold. First, the Licensee asserts that the Response fails as a procedural matter because it is not expressly authorized by section 1.92 of the Commission's rules and the Presiding Judge lacked discretion to include the Response in the record.¹⁸ Second, the Licensee argues that the Bureau's position—the Licensee's proposal to resolve this matter through consent decree is barred under section 1.93 of the Commission's rules—is moot.¹⁹ These arguments fail for different reasons.

7. The Licensee's first argument is of no moment. As the Presiding Judge acknowledged, "it is up to the Commission to determine whether to consider [the Response] along with additional information that it might request from the parties."²⁰ The Commission's rules are clear—when a matter designated for hearing is certified to the Commission under section 1.92, the "Commission will act upon the matters specified in the order to show cause in the regular course of business"²¹ and has complete discretion to consider "all the information available to it *from any source*."²² In the exercise of this discretion, we conclude that both the Written Statement and the Bureau's Response should be available for the Commission's consideration of this matter. Whether the Presiding Judge improperly authorized and accepted the Bureau's Response as the Licensee asserts on appeal has no bearing on this exercise of Commission discretion.

8. The Licensee's second argument is incorrect. Indeed, the Licensee has ensured that the issue of whether section 1.93 of the Commission's rules bars use of a consent decree in this case is a live controversy before the Commission. The Licensee's Written Statement argues that a consent decree is permissible and warranted under section 1.93 of the Commission's rules, and plainly disputes the *HDO*'s findings to the contrary.²³ The Bureau disputed the Licensee's position in the Response.²⁴ The issue was not resolved by the Presiding Judge in the *Termination Order* and the Licensee continued this dispute

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¹⁵ See Notice of Appeal of 97.5 Licensee TX, LLC and Luz Maria Rygaard Pursuant to 47 CFR § 1.302, MB Docket No. 26-19 (filed Mar. 6, 2026).

¹⁶ Appeal at 1-3. The General Counsel has delegated authority to act on this appeal because it does not relate to the merits of the issues designated for hearing in the *HDO*. See 47 CFR § 0.251(c) ("The General Counsel is delegated authority in adjudicatory hearing proceedings which are pending before the Commission *en banc* to act on all requests for relief, and to issue all appropriate orders, except those which involve final disposition on the merits of a previously specified issue concerning an applicant's basic qualifications or two or more applicants' comparative qualifications.").

¹⁷ Appeal at 3.

¹⁸ *Id.* at 8-17.

¹⁹ *Id.* at 17-20; see 47 CFR § 1.93(b) ("Consent orders may not be negotiated with respect to matters which involve a party's basic statutory qualifications to hold a license.").

²⁰ *Termination Order* at 3, para. 5 (citing *Mission Cable TV, Inc.*, Docket No. 20381, Memorandum Opinion and Order, 56 F.C.C.2d 203, 204 n.8 (1975) (consideration by the Commission of response to statement made on waiver of hearing held consistent with section 1.92(d))).

²¹ 47 CFR § 1.92(d).

²² *Id.* (emphasis added).

²³ Written Statement at 20-23.

²⁴ Response at 6-9.

before the Commission in its appeal of the *Termination Order*.²⁵ Finally, this *Order* does not rule on the question of whether section 1.93 of the Commission's rules bars the Commission from resolving this matter through a consent decree. Thus, this question remains an issue in controversy before the Commission.

9. Furthermore, we find it unnecessary to provide the Licensee with yet another opportunity to address these issues at this time. The Licensee's position on the impact of section 1.93 of the Commission's rules is set out in detail in its filings before the Commission.²⁶ The Licensee has offered no compelling reason to conclude that further motions practice on this point will benefit the Commission's consideration. The Commission nevertheless retains the discretion to order additional briefing should this prove necessary or appropriate in the future.²⁷

10. We therefore deny the Appeal for the reasons set forth herein. We find further that our denial of the Appeal renders the Motion to Strike and the Opposition to Motion to Strike moot.²⁸ Finally, we emphasize that the Commission will act upon the matters specified in the *HDO* in the regular course of its business.²⁹

11. Accordingly, **IT IS ORDERED** pursuant to 47 CFR § 0.251(c) that the Appeal of 97.5 Licensee TX, LLC and Luz Maria Rygaard, filed March 26, 2026, **IS DENIED**.

12. **IT IS ORDERED FURTHER** that the Motion of 97.5 Licensee TX, LLC and Luz Maria Rygaard to Strike Enforcement Bureau's Response to Written Statement, filed February 25, 2026, and the Enforcement Bureau's Motion for Leave to File Opposition to Motion to Strike and the Enforcement Bureau's Opposition to Motion to Strike, both filed March 3, 2026, **ARE DISMISSED**.

FEDERAL COMMUNICATIONS COMMISSION

Michael Janson
Deputy Associate General Counsel

²⁵ See Appeal at 17-20; Enforcement Bureau's Opposition to Appeal of 97.5 Licensee TX, LLC and Luz Maria Rygaard, MB Docket No. 26-19 (filed Apr. 8, 2026) (Opposition to Appeal); Reply of 97.5 Licensee TX, LLC and Luz Maria Rygaard to Enforcement Bureau's Opposition to Appeal, MB Docket No. 26-19 (filed Apr. 17, 2026) (Reply to Opposition).

²⁶ See Appeal at 17-20; Reply to Opposition at 2-10.

²⁷ 47 CFR § 1.92(d).

²⁸ As they are moot, we do not need to address whether the motion to strike, which was filed with the Presiding Judge, is properly before the Commission.

²⁹ 47 CFR § 1.92(d).