

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Bravo Broadcasting Company, Inc.,) Facility ID 56474
Licensee of KIRT(AM), Mission, Texas) FRN: 0008720591
) File Nos. BL-6450, BRH-
) 20130325ALU, 0000154164

REVOCATION ORDER

Adopted: November 21, 2023

Released: November 21, 2023

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 Bravo Broadcasting Company, Inc. (Licensee), for KIRT(AM), Mission, Texas (Station), for failure to pay delinquent regulatory fees owed to the Commission.1 We also dismiss pending applications 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. For fiscal year (FY) 2012, the deadline for paying regulatory fees was September 13, 2012;6 for FY 2015, it was September 24, 2015;7 for FY 2016, it was September 27, 2016;8 for FY 2017,

1 Although this Revocation Order addresses Licensee’s failure to pay the Station’s regulatory fees for a number of fiscal years, we note that failure to pay any regulatory fee, related interest or penalties, or any portion thereof is grounds for revocation. See 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.”).

2 Application File Nos. BRH-20130325ALU, 0000154164 (2021 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 2012 Regulatory Fees, Public Notice, DA 12-1294, 27 FCC Rcd 9204 (OMD Aug. 13, 2012).

7 Payment Methods and Procedures for Fiscal Year 2015 Regulatory Fees, Public Notice, DA 15-103, 30 FCC Rcd 9941 (OMD September 11, 2015).

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

it was September 26, 2017;⁹ for FY 2018, it was September 25, 2018;¹⁰ for FY 2019, it was September 27, 2019;¹¹ for FY 2020, it was September 28, 2020;¹² for FY 2021, it was September 24, 2021;¹³ and for FY 2022, it was September 30, 2022.¹⁴

4. Licensee failed to timely pay or only partially paid the Station's regulatory fees for FYs 2012, 2015, 2016, 2017, 2018, 2019, 2020, and 2021. Thus, for each delinquent regulatory fee, the Commission assessed the statutory late payment penalty required by the Act,¹⁵ and sections 1.1157(c)(1), and 1.1164 of the Rules,¹⁶ and interest, penalties, and administrative costs required by law.¹⁷ The Commission sent demand letters to Licensee demanding payment of the delinquent regulatory fee debts.¹⁸

5. On March 15, 2023, the Media Bureau (Bureau) and the Office of Managing Director jointly issued an *Order to Pay or to Show Cause (Order)* requiring Licensee to file with the Bureau within sixty (60) calendar days¹⁹ evidence of full payment of the debt, or show cause why the fees were inapplicable

⁹ *Payment Methods and Procedures for Fiscal Year 2017 Regulatory Fees*, Public Notice, 2017 WL 3953380 (OMD Sep. 6, 2017).

¹⁰ *Payment Methods and Procedures for Fiscal Year 2018 Regulatory Fees*, Public Notice (OMD Aug. 30, 2018), available at <https://docs.fcc.gov/public/attachments/DOC-353883A1.pdf>.

¹¹ *Regulatory Fee Filing Window Is Extended to Friday, September 27, 2019*, Public Notice, DA 19-881, 34 FCC Rcd 7945 (OMD Sep. 5, 2019).

¹² *Regulatory Fee Filing Window is Extended to Monday, September 28, 2020*, Public Notice, DA 20-1131, 35 FCC Rcd 10466 (OMD Sep. 24, 2020).

¹³ *Payment Methods and Procedures for Fiscal Year 2021 Regulatory Fees*, Public Notice, DA 21-1112, 36 FCC Rcd 13423 (OMD Sep. 7, 2021).

¹⁴ *Fiscal Year 2022 Regulatory Fee Filing Deadline is Extended to Friday, September 30, 2022, for All Regulatory Fee Payers*, Public Notice, DA 22-1023, 2022 WL 4597483 (OMD Sep. 28, 2022).

¹⁵ 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.

¹⁶ 47 CFR §§ 1.1157(c)(1), 1.1164.

¹⁷ 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).

¹⁸ In addition to the demand letters, the Media Bureau notified Licensee of its failure to pay the Station's regulatory fees for FY 2012 and FY 2015. Letter from Peter H. Doyle, Chief, Audio Division, Media Bureau, to Francisco R. Montero, Esq. (MB June 18, 2015).

¹⁹ 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).

or should be waived or deferred.²⁰ 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.²¹ 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 March 15, 2023, and it required Licensee to respond within 60 days.²² 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 license.²³ Licensee did not file a written response to the *Order*.²⁴ In these circumstances, where Licensee has failed to pay its regulatory fee debts for multiple years and does not dispute that it is obligated to pay them, we conclude revocation is appropriate.²⁵

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,²⁶ the license of Bravo Broadcasting Company, Inc., for Station KIRT(AM), Mission, Texas, **IS HEREBY REVOKED**.

9. **IT IS FURTHER ORDERED** that all authority to operate this facility **IS TERMINATED** and any operation of the facility **is now unauthorized and must cease immediately**.²⁷

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**.

²⁰ *Bravo Broadcasting Company, Inc.*, Order to Pay or to Show Cause, DA 23-218 (MB/OMD 2023) (*Order*). At that time, the Commission's records showed that Licensee had unpaid regulatory fees of \$895.94 for FY 2012; \$1,772.42 for FY 2015; \$5,046.91 for FY 2016; \$6,059.15 for FY 2017; \$4,112.90 for FY 2018; \$4,424.28 for FY 2019; \$4,536.37 for FY 2020; \$4,542.26 for FY 2021; and \$4,775.00 for FY 2022. *Id.* at para. 4.

²¹ *Id.* at para. 5. *See also* 47 U.S.C. §159A(c)(4).

²² *Order* at para. 5.

²³ *Id.*

²⁴ A copy of the *Order* was sent by registered mail, return receipt requested, to the address provided by Licensee in the 2021 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). This copy of the *Order* was returned to the Commission as undeliverable. It is Licensee's responsibility to make arrangements to ensure it receives correspondence from the Commission. *See* 47 CFR § 1.5(b). Additionally, a courtesy copy was sent to the email addresses on file for Licensee. Email from Keith Coburn, Audio Division, FCC Media Bureau, to Bravo Broadcasting Company, Inc. (Mar. 15, 2023, 10:18 AM EDT).

²⁵ *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 licenses 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).

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

²⁷ **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.

11. **IT IS FURTHER ORDERED** that the renewal applications filed on March 26, 2013 (File No. BR-20130325ALU), and July 27, 2021 (File No. 0000154164), **ARE DISMISSED**.

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 Bravo Broadcasting Company, Inc., 608 S. 10th Street, McAllen, TX 78501, and its counsel, Francisco R. Montero, Esq., Fletcher, Heald & Hildreth, P.L.C., 1300 N. 17th St., 11th Floor, Arlington, VA 22209.

FEDERAL COMMUNICATIONS COMMISSION

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