

LAW OFFICES

**COHN AND MARKS**

STANLEY S. NEUSTADT  
RICHARD M. SCHMIDT, JR.  
JOEL H. LEVY  
ROBERT B. JACOBI  
ROY R. RUSSO  
RONALD A. SIEGEL  
LAWRENCE N. COHN  
RICHARD A. HELMICK  
WAYNE COY, JR.

MARK L. PELESH  
J. BRIAN DE BOICE  
ALLAN ROBERT ADLER  
CHARLES M. OLIVER

SUSAN V. SACHS  
JOHN R. PRZYPYSZNY  
A. SHEBA CHACKO\*

\*MEMBER OHIO BAR ONLY

OF COUNSEL  
MARCUS COHN  
LEONARD H. MARKS  
STANLEY B. COHEN

SUITE 600  
1333 NEW HAMPSHIRE AVENUE, N. W.  
WASHINGTON, D.C. 20036-1573

TELEPHONE (202) 293-3860  
TELECOPIER (202) 293-4827

DIRECT DIAL: (202) 452-4836  
INTERNET ADDRESS:

September 19, 1995

94-19

**VIA HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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**SEP 19 1995**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

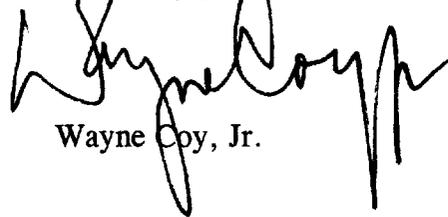
**Re: Petition for Waiver of Regulatory Fee**

Dear Mr. Caton

Transmitted herewith, on behalf of Rickochet Communications Company, Inc., licensee of KSMX-FM, Clovis, New Mexico, are the original and two (2) copies of its Petition for waiver of the payment of the Regulatory fee for the October, 1994, to September, 1995, period.

Should you have any questions with respect to this filing, please contact the undersigned.

Very truly yours



Wayne Coy, Jr.

Enclosures

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BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

# Federal Communications Commission

In the Matter of )  
 )  
 Implementation of Section 9 )  
 of the Communications Act )  
 )  
 Assessment and Collection of )  
 Regulatory Fees for the 1994 )  
 Fiscal Year )

MD Docket No. 94-19

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## Petition for Waiver of the Regulatory Fee

RICKochet Communications Company, Inc., licensee of FM broadcast station KSMX-FM, formerly KPWX-FM, Clovis, New Mexico, by and through its attorney, hereby Petitions the Commission to waive the regulatory fee for the station for the 1994 Fiscal Year. In support thereof, the following is offered:

1. In mid August 1994, Taber Communications, then licensee of the station requested permission to go off the air, pending reorganization and/or restructuring of the finances of the station. Sometime thereafter, Taber entered into negotiations with RICKochet for the purchase of the station, resulting in an application for the assignment of the license to be filed on April 7, 1995.

2. The Commission's Consent to the Assignment was granted on June 12, and the transaction was consummated on July 21, 1995. Through out the entire time period the station had authority to remain dark or an application pending for such authority.

In the period immediately after the consummation, RICKochet was busy reassembling the necessary equipment to resume broadcast operation. On August 11, RICKochet filed its first application for authority to remain dark pending the final assembly of the equipment and its testing. It was not until September 1, 1995, that KSMX resumed broadcast operation at approximately one-half of authorized power, authorization for which was included in the August 11 filing.

3. The station continues to operate a half-power pending further stabilization of the equipment and other tests.

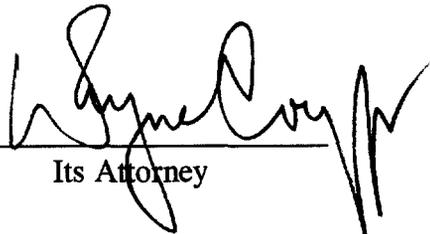
4. Throughout the relevant time period, including up to the present time, the station had no revenue of any kind. Only in the last few days have the first sales begun to register. There is no question that the imposition of the regulatory fee in this situation would be grossly unfair and punitive as the station tries to restore service to its community.,

5. A statement by Ms. Sandi Usrey Bergman, President of RICKochet Communications, attesting to the foregoing, is attached.

Therefore, for good cause shown, RICKochet Communications hereby Petitions the Commission to waive the regulatory fee for Fiscal 1994 for station KSMX-FM.

Respectfully submitted

RICKochet Communications

By   
Its Attorney

September 19, 1995

# RICKochet Communications Company, Inc.

2100 Ross Suite 312 Clovis, New Mexico 88101  
(505) 359-1759 FAX (505) 359-0724

September 15, 1995

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: Request for waiver of regulatory fees

Dear Mr. Caton:

RICKochet Communications Company, Inc. requests that the FCC waive the 1995 regulatory fee for its Class C-1 station, KSMX FM, licensed in Clovis, New Mexico, and its STL frequency of 950.000 MHz (call letter assignment not yet received) based upon the fact that KSMX FM (formerly KPWX FM) has been off the air since August, 1994. RICKochet Communications' assignment of license application was granted on June 12, 1995, and the transaction between RICKochet and Taber Communications was consummated on July 21, 1995. In the meantime, requests to remain silent were granted to Taber on March 8, 1995 and April 12, 1995; and RICKochet tendered an application to remain dark on August 11, 1995. That application has not been acted upon.

KSMX FM resumed broadcast operations at reduced power on September 1, 1995. RICKochet Communications has not as of yet made any revenues from the station, and does not have the resources to pay the fee which pertains to its 1994-95 operational year.

Should you have any questions with respect to this filing, please contact the undersigned or our communications attorney, Mr. Wayne Coy at (202) 293-3860.



Sandi Usrey Bergman  
President