

Before the  
Federal Communications Commission  
Washington, DC 20554

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SEP 19 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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In re the Matter of )  
)  
Assessment & Collection of ) MD Docket 96-186  
Regulatory Fees for Fiscal )  
Year 1997 )

To: Managing Director

**Petition for Reduction of Regulatory Fees**

Goodstar Broadcasting of Kansas License, L.L.C. ("Goodstar"), licensee of AM broadcast station KXXX, Colby, Kansas, pursuant to Section 1.1166 of the Commission's rules, hereby respectfully petitions the Commission for a reduction of its Fiscal Year ("FY") 1997 Regulatory Fee. Using a formula set forth in Assessment and Collection of Regulatory Fees for Fiscal Year 1997, Report & Order, MD Docket 96-186, released June 26, 1997 ("Report & Order"), the Commission assessed a fee of \$1,000.00 for KXXX, a Class D AM station in Colby, Kansas. Goodstar has paid the full amount of the regulatory fee assessed by the Commission. The regulatory fee assessed for KXXX, however, far exceeds the regulatory fees assessed other Class D AM stations in the same general area as KXXX. The requested refund is in the public interest if the amount assessed against KXXX is, in fact, in error. Goodstar does not dispute its obligation to pay the *full* amount of the regulatory fees actually due from KXXX. As such we respectfully request that the Commission recalculate the amount due by KXXX for its FY 1997 regulatory fees and, if applicable, refund to Goodstar any difference between the amount paid and the recalculated, reduced amount actually due.

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In its Report and Order, the Commission revised its Schedule of Regulatory Fees in order to recover the amount of regulatory fees that Congress required it to collect for FY 1997. Based upon a formula which takes into account inter alia, the class of station and the population within the station's coverage area, the Commission assessed a regulatory fee for each commercial broadcast station. See Report & Order ¶¶ 47-56. As stated above, the Commission assessed a fee of \$1,000 against KXXX.

Goodstar questions the accuracy of this assessment based on the fact that the Class D AM stations which are licensed to cities which surround the area served by KXXX were assessed substantially lower regulatory fees. KLOE(AM), Goodland, KS, a Class D station approximately 44 miles west of Colby was assessed a \$400 regulatory fee; KQNK(AM), Norton, KS, a Class D station approximately 66 miles northeast of Colby was assessed a \$400 regulatory fee; KFLA, Scott City, KS, a Class D station approximately 60 miles south of Colby was assessed a \$200 regulatory fee; and KRSL, Russell, KS, a Class D station approximately 100 miles east of Colby, and significantly closer to the more heavily-populated portion of the state (near Great Bend and Salina, KS) was assessed a \$600 regulatory fee. In explaining the impact of the new Schedule of Regulatory Fees, the Commission noted that the schedule results in "(1) the same class stations in different size cities generally having different fees ... and (3) same class stations in the same city generally having the same fee." Although none of the four Class D stations listed above are licensed to Colby, they each are licensed to cities within the same general area as Colby and are all licensed to cities within the same range of population.<sup>1</sup>

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<sup>1</sup> Populations according to 1990 Census: Colby, KS: 5,936 (Thomas County: 8,258); Goodland, KS: 4,983 (Sherman County: 6,926); Norton, KS: 3,017 (Norton County: 5,947); Scott City, KS: 3,785 (Scott County: 5,289); Russell, KS: 4,781 (Russell County: 7,835). Although Colby, KS has a slightly larger population than the other cities, it seems incongruous that the regulatory fee for a Class D station licensed to Colby would be 40% more than the fee for a Class D station licensed to Russell -- the next largest city -- which is only slightly smaller than Colby.

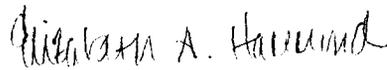
Moreover, the Public Notice released August 1, 1997 listing the FY 1997 Mass Media regulatory fees shows the population served by KXXX as 476,400. According to their inherent knowledge of Colby and the surrounding communities, this number seems inordinately high to station management, and stands in stark contrast to the numbers listed for the four other Class D AM stations licensed to nearby communities.<sup>2</sup>

Goodstar recognizes that the Commission is utilizing a new formula for calculating regulatory fees, and that the formula takes into account several different variables. In light of the newness of the formula, the large discrepancy between the regulatory fees assessed against KXXX and the other Class D AM stations licensed to nearby cities, and the large difference in the FCC's listing of the populations served by KXXX and the other Class D AM stations licensed to nearby cities, however, Goodstar respectfully requests the Commission to re-examine the fees assessed against KXXX, and, if applicable, refund the difference between the regulatory fee paid and what is actually due according to the recalculation.

Respectfully submitted,

GOODSTAR BROADCASTING OF  
KANSAS LICENSE, L.L.C.

By:



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Elizabeth A. Hammond  
ARTER & HADDEN  
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(202) 775-7100

September 19, 1997

Its attorneys

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<sup>2</sup> The Public Notice shows the populations served by KLOE, Goodland, KS, KQNK, Norton, KS, KFLA, Scott City, KS and KRSL, Russell, KS respectively as 111,706, 78,608, 64,286 and 186,280.

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September 19, 1997

**VIA HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20054

Attn: Managing Director

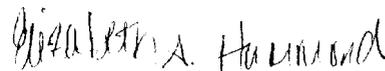
Re: Regulatory Fees for KXXX, Colby, Kansas

Dear Mr. Caton:

Transmitted herewith, on behalf of Goodstar Broadcasting of Kansas License, L.L.C., licensee of radio broadcast station KXXX, Colby, Kansas is the original and four copies of a Petition for Reduction of Regulatory Fees. Goodstar has already paid the full amount of the regulatory fees assessed against KXXX. However, Goodstar requests that the Commission recalculate the amount due from KXXX, and, if applicable, refund the difference between the amount of regulatory fees already paid and the recalculated, reduced amount.

Please address any questions to Robin L. Miller of this firm at (202) 775-4460 or the undersigned.

Very truly yours,



Elizabeth A. Hammond\*

Enclosure

\*Admitted in Maryland only

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