

DOCKETED BY ORIGINAL ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

RECEIVED

JUL 20 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re the Matter of)
)
Assessment & Collection of)
Regulatory Fees for Fiscal)
Year 1997)
)
)

MD Docket 96-186

To: Managing Director

PETITION TO DEFER PAYMENT OF 1997 REGULATORY FEES

Thomas A. Aceituno, Trustee for the Bankruptcy Estate of Stratcom, Ltd. ("Aceituno"), the licensee of radio broadcast stations KPCO(AM), Quincy, California and KBNF(FM), Chester, California (the "Stations"), pursuant to Section 1.1166(c) of the Commission's rules, respectfully requests that the Commission defer payment of the 1997 regulatory fees for the Stations pending Commission action on the Petition for Waiver of 1997 Regulatory Fees for the Stations filed simultaneously herewith.

Section 1.1166 of the Commission's rules provides that "waiver requests that do not include the required fees or forms will be dismissed unless accompanied by a petition to defer payment due to financial hardship, supported by documentation of the financial hardship." 47 C.F.R. § 1.1166(c). Evidence of bankruptcy or receivership is sufficient to establish financial hardship. *In the Matter of Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, 10 FCC Rcd 12759, 12762 (1995).

No. of Copies rec'd
List ABCDE *Odey*

The instant petition and the Petition for Waiver of 1997 Regulatory Fees for the Stations, which it supports, are based on financial hardship. Aceituno was appointed bankruptcy trustee for the Stations on October 20, 1997 by the Office of the United States Trustee. A copy of the notice of appointment is attached hereto as Exhibit A. Aceituno is utilizing all available funds to keep the Stations on the air. Payment of the regulatory fees at this time would threaten station operations and, thus, would not be in the public interest.

Based on the evidence that the Stations' assets and licenses are currently being held by Aceituno in bankruptcy, Aceituno respectfully requests that the Commission defer payment of the regulatory fees for the Stations until the Commission acts on the Petition for Waiver of 1997 Regulatory Fees for the Stations filed simultaneously herewith.

Respectfully submitted,

THOMAS A. ACEITUNO, TRUSTEE FOR THE
BANKRUPTCY ESTATE OF STRATCOM, LTD.

By: Naomi S. Travers

Naomi S. Travers
Robin L. Miller
ARTER & HADDEN
1801 K Street, N.W.
Suite 400K
Washington, D.C. 20006
(202) 775-7100

July 20, 1998

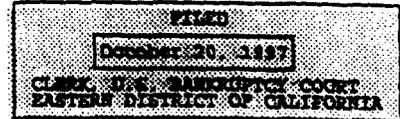
Its Attorneys

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re)
)
Stratcom, Ltd.)
)
)
Debtor(s).)
_____)

Case No. 97-36057-B-7



APPOINTMENT OF INTERIM TRUSTEE AND NOTICE OF SELECTION

Thomas A. Aceituno is hereby appointed Interim Trustee of the above-named Debtor's(s') estate and Trustee if creditors fail to elect a Trustee as provided by the Bankruptcy Code. The Interim Trustee has filed a blanket bond pursuant to Federal Rule of Bankruptcy Procedure 2010(a).

If the Interim Trustee does not notify the Office of the United States Trustee and the Court in writing of rejection of the office within five days after receipt of notice of selection, the Interim Trustee shall be deemed to have accepted the office.

Dated: October 20, 1997

Office of the United States Trustee
Region 17

Linda E. Stanley
United States Trustee

Antonia G. Darling
Assistant United States Trustee

g

CERTIFICATE OF SERVICE

I, Nellie Martinez-Redicks, a secretary in the law firm of Arter & Hadden LLP, hereby certify that on this day, July 20, 1998, a copy of the foregoing "Petition to Defer Payment of 1997 Regulatory Fees" was served on the following person by hand-delivery:

Regina Dorsey, Chief
Federal Communications Commission
Billings & Collections Branch
1919 M Street, N. W., Room 452
Washington, DC 20554

Nellie Martinez-Redicks