

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

NOV 20 2014

OFFICE OF
MANAGING DIRECTOR

Suzanne E. Rogers, President
Airen Broadcasting Company
555 Capitol Mall, Suite 210
Sacramento, CA 95814

Licensee/Applicant: **Airen Broadcasting
Company**

Waiver/Refund: Encumbered Construction Permit

Disposition: **Granted** (47 C.F.R. § 1.1160)

Station: KBAE (FM) (formerly KZCC (FM))

Fee: Fiscal Year (FY) 2014 Regulatory Fee

Date Request Filed: Sep. 23, 2013

Fee Control No.: RROG-14-00015741

Regulatory Fee Amount: \$760.00

Date Regulatory Fee Paid: Sep. 23, 2014

Dear Ms. Rogers:

This responds to Licensee's *Petition*¹ for waiver and refund of the Fiscal Year (FY) 2014 regulatory fee, which Licensee has paid. For the reasons that follow, we grant the *Petition*.

Licensee asserts that effective November 19, 2007, it received a construction permit authorizing KBAE Channel 238C3 to serve the community of Trinidad, California; however "[t]he Station's modified Permit ... was tolled as of November 19, 2007, by the December 9, 2008 *Letter from Peter H. Doyle, Chief, Audio Division, Media Bureau, FCC, to Ernest T. Sanchez, Esq., et al., DA 08-2676* ... which, *inter alia*, placed a condition on the Permit which is beyond [Licensee's] control."² Further, Licensee asserts, as a result of the tolling, it "has not been in possession of an operational construction permit since November 19, 2007[, rather it] operates pursuant to Special Temporary Authority for which [Licensee] pays separate fees."³

¹Airen Broadcasting Company, Permittee of FM Broadcast Station KBAE, Channel 238C3, Trinidad, CA, Facility ID 164090, *Petition for Waiver of Regulatory Fees* (Sep. 23, 2014) (*Petition*).

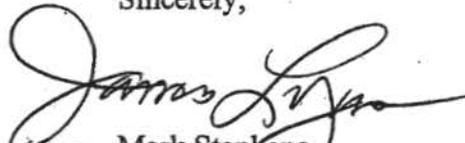
²*Id.*

³*Id.*

We agree, as of October 1, 2013, the date for determining the annual regulatory fee obligation, Licensee did not hold an operational construction permit, rather due to matters beyond its control, as set forth in 47 C.F.R. § 73.3598(b)(2),⁴ the expiration date of its construction permit is tolled. Accordingly, the fee was not due, and under 47 C.F.R. § 1.1160, we refund the fee payment.

A check, made payable to the maker of the original check, and drawn in the amount of \$760.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,


Mark Stephens
Chief Financial Officer

⁴47 C.F.R. § 73.3598 (b) (“ The period of construction for an original construction permit shall toll when construction is prevented by the following causes not under the control of the permittee: * * * (2) The grant of the permit is the subject of administrative or judicial review (*i.e.*, petitions for reconsideration and applications for review of the grant of a construction permit pending before the Commission and any judicial appeal of any Commission action thereon), or construction is delayed by any cause of action pending before any court of competent jurisdiction relating to any necessary local, state or federal requirement for the construction or operation of the station, including any zoning or environmental requirement.”).