



# PUBLIC NOTICE

Federal Communications Commission  
1919 M St., N.W.  
Washington, D.C. 20554

News media information 202 / 418-0500  
Fax-On-Demand 202 / 418-2830  
Internet: <http://www.fcc.gov>  
ftp.fcc.gov

DA 98-1436

Before the  
Federal Communications Commission  
Washington, D.C. 20554

## PUBLIC NOTICE

Released: July 24, 1998

### FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. On a monthly basis, a public notice of these fee decisions is published in the FCC record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

**Colorado Communications Corp.** - Request for reduction of 1997 regulatory fee for KBNO at Denver, CO. **Dismissed** (May 4, 1998) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994); Reconsideration granted, 10 FCC Rcd 12759 (1995)]

**Coltre Broadcasting Inc.** - Request for waiver and refund of 1996 and 1997 regulatory fees for WFUN-FM at Bethalto, IL. **Granted** (May 27, 1998) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994); Reconsideration granted, 10 FCC Rcd 12759 (1995)]

**First National Broadcasting Corp.** - Request for reduction of 1997 regulatory fee for KSOS-AM at Brigham City, UT. **Dismissed** (May 19, 1998) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994); Reconsideration granted, 10 FCC Rcd 12759 (1995)]

**Global Broadcasting Systems Licensing Corp.** - Petition for waiver of 1997 regulatory fee for KCNS-AM at San Francisco, CA and WRAY at Wilson, NC. **Granted** (May 27, 1998) [See implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 Para. 14 (1995).]

**Happy Broadcasting Company, Inc.** - Request for waiver of 1997 regulatory fee for WPWC-AM at Dumfries, VA. **Dismissed** (May 11, 1998) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994); Reconsideration granted, 10 FCC Rcd 12759 (1995)]

**I Q Radio Network, Inc.** - Request for waiver of 1997 regulatory fee for WZIQ-AM at Smithville, GA. **Granted** (May 6, 1998) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994).]

**KB Media, Inc.** - Request for waiver of 1997 regulatory fee for KSWT-TV at Yuma, AZ. **Granted** (May 14, 1998) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted in part, FCC 95-257 (July 22, 1995).]

**Li Hing Mui, Inc.** - Petition for waiver of 1997 regulatory fee for KHLO-AM at Hilo, HI. **Granted** (May 11, 1998) [See Implementation of Section 9 of the Communications Act, FCC 95-257 Para. 15 (June 15, 1995).]

**Opp Broadcasting, Inc.,** - Request for review of 1997 regulatory fee for WAMI-AM at Opp, AL. **Denied** (May 27, 1998)

**Peter Q George** - Request for waiver of 1997 regulatory fee for FM translator station W221AG. **Granted** (May 27, 1998) [See implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 Para. 16 (1995).]

**Q Media, LLC** - Petition for waiver of 1997 regulatory fee for KKNW at Port Angeles, WA. **Granted** (May 11, 1998) [See Implementation of Section 9 of the Communications Act, FCC 95-257 Para. 15 (June 15, 1995).]

**Shull Broadcasting Company Inc.,** - Petition for deferment and reduction of 1997 regulatory fee for WFOY-AM at St. Augustine, FL. **Dismissed** (May 14, 1998)

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

May 4, 1998

16-285

OFFICE OF  
MANAGING DIRECTOR

Mr. Zee Ferrufino  
President  
Colorado Communications, Corp.  
2727 Bryant Street  
Suite 100  
Denver, CO 80211

Re: Request for Reduction of Regulatory Fee  
Radio Station KBNO  
Fee Control # 9709168835188010  
Fee Paid: \$1,600

Dear Mr. Ferrufino:

This is in response to your request for reduction of the Fiscal Year (FY) 1997 regulatory fee for AM Radio Station KBNO, Denver, Colorado, licensed to Colorado Communications Corp. You assert that KBNO was purchased through the Bankruptcy Court, that KBNO is a minority owned spanish language station, and that the station has not made a profit since being purchased by Colorado Communications Corp.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-2762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for

Mr. Zee Ferrufino

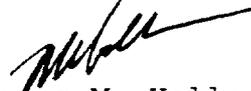
2.

tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship. Therefore, your request for waiver or reduction of KBNO's regulatory fees is dismissed. However, in view of your allegations of financial hardship, you may refile Colorado Communications, Corp.'s request together with appropriate supporting documentation within thirty days from the date of this letter.

If you have any questions concerning the regulatory fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Thomas M. Holleran  
Acting Associate Managing  
Director - Financial Operations

9709168835188010

The Education Station



*mmb*

RECEIVED

OCT 2

COLORADO COMMUNICATIONS, CORP.  
2727 Bryant Street  
Suite 100  
Denver, Colorado 80211  
Phone (303) 433-1330  
Fax (303) 433-1330

*MA 10/19*

*FOD/BC  
need to c*

AUDIO SERVICES DIVISION

September 12, 1997

Federal Communications Commission  
Regulatory Fees  
P. O. Box 358835  
Pittsburgh, PA 15251-5835

*Colorado*

Gentlemen:

Re: REDUCTION OF REGULATORY FEE/KBNO RADIO

The purpose of this letter is to protest the increase in the subject fee from \$345.00 in 1996 to \$1,600 now due for 1997. The first comment that comes to mind is what justification could there be for an almost 500% increase over the 1996 fee? We are required to pay almost the same amount as the biggest, most successful stations in Denver, with revenues of \$20 million per year, compared to ours of \$400,000.

KBNO Radio was purchased through the Bankruptcy Court in 1990. Since that time we have been actively involved in the Hispanic community in Denver by providing 24-hour per day Spanish language broadcasting. Our programming provides news, talk shows, music, public service announcements and sports. KBNO is the Spanish voice in Denver for the Broncos football team, the Nuggets basketball team and Avalanche hockey team.

Bringing a business back from bankruptcy is an uphill battle. In 1990, we had three Spanish language stations in Denver. In 1996, two more Spanish stations came into our market. This has made the competition very stiff. We have not shown a profit since 1990; we are barely able to pay salaries and keep up with expenses necessary to provide our valuable service to the community.

It is a tremendous hardship for us to pay this exorbitant increase in the regulatory fee. I am respectfully requesting that you reduce our fee to the 1996 rate of \$345.00. Please have consideration for our small, minority business.

Sincerely,

Zee Ferrufino, President

✓ cc: Reed Hundt, Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 10554

**Payment Transactions Detail Report**

Date: 11/19/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709168835188010	COLORADO COMMUNICATIONS CORP	FCC2042379	09/15/97
	KBNO RADIO		
	2727 BRYANT STREET SUITE 100		
	DENVER CO 80211		

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$1,600.00	\$1,600.00	1	MGC7	1	KBNOAM	COLORADO COMMUNICATIONS CORP			\$1,600.00	1	PMT
<b>Total</b>									<u>\$1,600.00</u>		

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

May 6, 1998

OFFICE OF  
MANAGING DIRECTOR

86-285

Ms. Peggy S. Hunt  
Corporate Secretary  
IQ Radio Network, Inc.  
11 Piedmont Center  
Suite 550  
Atlanta, GA 30305

Re: Request for Waiver of Regulatory Fee for  
Radio Station WZIQ

Dear Ms. Hunt:

This is in response to your request for a waiver of the Fiscal Year 1997 (FY 1997) regulatory fee filed on behalf of Radio Station WZIQ, Smithville, Georgia, licensed to IQ Radio Network, Inc. (IQ). In support of the request you submitted a Profit and Loss statement for the period from September 1996 through September 1997, for WZIQ.

In establishing the regulatory fee program, the Commission recognized that in certain instances licensees would be unable to pay their regulatory fees without impairing the quality of their service to the public. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994).

The Profit and Loss Statement establishes that WZIQ had a financial loss and a negative cash flow during the 12 months from September 1996 through September 1997. Accordingly, your request is granted and the FY 1997 regulatory fee for Radio Station WZIQ is waived.

The waiver, however, is limited to IQ Radio Network, Inc.'s FY 1997 regulatory fee. If IQ continues to experience financial hardship, it may file requests for waivers of its regulatory fees for FY 1998 and succeeding years, supported by documentation of its current financial condition.

Ms. Peggy S. Hunt

2.

If you have any questions concerning the waivers, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Thomas M. Holleran  
Acting Associate Managing  
Director - Financial Operations

000000 BCB-98-027

***IQ RADIO NETWORK***  
***11 Piedmont Center***  
***Suite 550***  
***Atlanta, GA 30305***  
***(404) 240-0901***

Via Federal Express

October 6, 1997

Ms. Marilyn J. McDermott  
Associate Managing Director  
for Operations  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

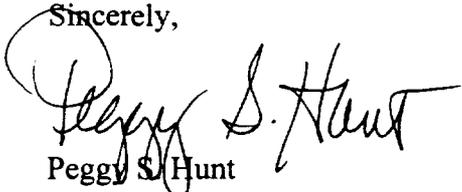
RE: WZIQ- Smithville, Georgia

Dear Ms. McDermott:

This letter is in response to the medial regulatory fees due for 1997 for WZIQ, Smithville, Georgia. WZIQ would like to request a waiver due to its current financial condition. We have enclosed a profit and loss report for substantiation.

Your cooperation with the waiver request is greatly appreciated.

Sincerely,

  
Peggy S. Hunt  
Corporate Secretary

*Toni  
Send to  
OGC  
R 10/10  
Amid  
Rec'd  
10/19/97*

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

May 6, 1998

OFFICE OF  
MANAGING DIRECTOR

Mr. Jack L. Scheper, Sr.  
President  
WHCO Radio  
P.O. Box 255  
Highway 154, West  
Sparta, IL 62286

86-285

Re: Request for Adjustment of Regulatory Fee

Dear Mr. Scheper:

This is in response to your request for an adjustment of the Fiscal Year (FY) 1997 regulatory fee for AM Radio Station WHCO, Sparta, Illinois. You contend that the population assigned to WHCO for regulatory purposes is exaggerated, that you must share the audience within WHCO's 0.5 mV/m contour with about 50 other stations, and that the population estimates for those stations are exaggerated. You also argue that WHCO is in an economically depressed area, that you've had to borrow money to meet expenses, and that in order to pay the fee you will have to layoff an employee.

Congress established the total amount of fees that we are to collect for all services for FY 1997 and our fee schedule is formulated to spread the burden of the total fee requirement equitably among the various categories of fee payers, including broadcast licensees. The FY 1997 regulatory fees for all AM stations were derived by calculating the populations within the 0.5 mV/m contour of each individual station, which is their daytime protected service contour. The 0.5 mV/m contour extends beyond and includes populations not within a licensee's primary service area. In this regard, you noted that the populations for the stations competing with WHCO were also exaggerated. Thus, as a matter of equity, recalculating a station's service area using a different contour for measuring population would require recalculating the service areas, populations, and fees, at a minimum, for all radio broadcast stations, in order to insure the Commission's ability to collect the required amount in fees and that licensees are treated equally.

We recognize that some broadcasters believe that the city grade contour which each licensee is required to place over its community of license may be a better reflection of the "core" population served by that station, and we contemplate using the city grade contour to calculate FY 1998 radio regulatory fees. However, the 0.5 mV/m contour is appropriate for calculating the FY 1997 regulatory fees because that contour represents the area in which listeners receive the station's protected signal. Thus,

the Commission will not reduce, on an ad hoc basis, an individual station's regulatory fee solely because its population served would be lower had we relied on a different service contour.

However, in establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-2762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship. Therefore, your request for waiver or reduction of WHCO's regulatory fee is dismissed. Accordingly, WHCO Radio should file an FCC Form 159 (copy enclosed) with its FY 1997 regulatory fee of \$1,400 within 30 days from the date of this letter. If WHCO Radio can establish, however, that payment of the regulatory fee would create a compelling financial hardship, you may file a further request for deferment and waiver supported by appropriate documentation, within 30 days from the date of this letter.

Mr. Jack L. Scheper, Sr.

3.

If you have any questions concerning the regulatory fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Thomas M. Holleran  
Acting Associate Managing  
Director - Financial Operations

Enclosure

000000 BCB-48-025

1,000 Watts of Sound Service



Member NAB · IBA

# WHCO RADIO 1230

P. O. Box 255 Highway 154, West Sparta, Illinois 62286  
SOUND ADVERTISING • (618) 443-2121



September 17, 1997

Federal Communication Commission  
1919 "M" Street N.W.  
Washington, D.C. 20554

*Handwritten:* 9/22/97  
→ FOD/BCB

ATTN: Tom Holleran

RE: Request for Audience Reevaluation  
and Fee adjustment in line with  
service area.

Referred to Mr. T.Holleran on  
recommendation of Mr. T. Johnson

*Vertical stamp:* SEP 21 8 53 AM '97  
FEDERAL COMMUNICATIONS COMMISSION

*Vertical stamp:* RECEIVED

Dear Mr.Holleran:

Please be aware of a glaring error in Data World's  
interpretation of each radio station's audience, as taken in  
total from the 0.5M/V-contour.

The WHCO estimated audience of: 1,236,240 listeners is  
considered unusually high as is the fee for our service area.

If we, in fact had such a listening audience, we would  
certainly be millionaires... and that is NOT the case.

We have only a share of the audience within the 0.5M/V signal  
along with some 50 other stations. Please see the list of  
stations whos 0.5M/V overlaps, or in some cases completely  
envelops our small 0.5M/V. Please also note DATA WORLD'S

population estimates for just these stations which, in most cases we feel are highly exaggerated.

KMOX-AM	4,162,851
KSD-AM	5,597,565
KSD-FM	2,465,141
KATZ-FM	2,333,516
KDBB-FM	73,768
KEZK-FM	2,496,681
ZEZS-FM	362,044
KFMO-AM	333,323
KFUO-FM	2,496,681
KGIR-AM	139,706
KGMO-FM	369,916
KIHT-FM	2,477,116
KIRL-AM	2,465,539
KJFF-AM	2,228,170
KJSL-AM	4,355,412
KMJM-FM	2,496,681
KPNT-FM	2,409,133
KREI-AM	2,638,039
KSHE-FM	2,496,681
KSTL-AM	3,278,786
KTJJ-FM	268,720
KXEN-AM	2,927,648
KXOK-FM	2,126,307
KZIM-AM	770,723
WBGZ-AM	2,357,808
WCBW-FM	2,068,274
WCIL-AM	442,274

WCIL-FM	312,685
WDDD-AM	369,286
WDDD-FM	296,917
WDML-FM	60,466
WDQN-AM	126,497
WDQN-FM	40,109
WEBQ-AM	184,499
WESL-AM	2,377,887
WFRX-AM	277,487
WGGH-AM	597,240
WGNU-AM	2,482,582
WIBV-AM	2,712,638
WIL-FM	2,498,633
WINI-AM	197,309
WJPF-AM	208,626
WKXX-FM	2,486,916
WMIX-AM	1,546,923
WMIX-FM	286,376
WOOZ-FM	294,803
WQRL-FM	149,518
WRYT-FM	2,404,949
WTAO-FM	189,457
WUEZ-FM	106,398
WXAN-FM	75,655
WXLT-FM	138,423

It is impossible to believe our audience is as large as "Data World" states: The population of our city of license: Sparta,

Illinois is only 5,000. Population for the entire county is continuing to decline...the 1990 Census only shows 33,000 people.

The combination of industrial job losses in the local high-sulfur coal industry: over 4,000 miners. Closing of a major printing plant of 1,800, and many support jobs - from satellite industries that depend on the major industries to the closing of many stores. All of these have been devastating to our local population and economy.

Our economic condition at WHCO has been especially affected. The economy of the area, along with F.C.C. and industry requirements to upgrade equipment to new standards. Such as: Installation of the new EAS Emergency warning system (costing \$3,500.00), Digital audio services and continuing to replace worn out equipment. In the past year and one-half we have had to borrow a total of \$25,000 just to meet daily expenses.

1: We are asking for a reevaluation of our 'population' estimate more in line with our true service area audience.

2: Please accept our plea for a reduction in the "Regulatory Fee" due to the extraordinary and compelling circumstances expressed in the above petition.

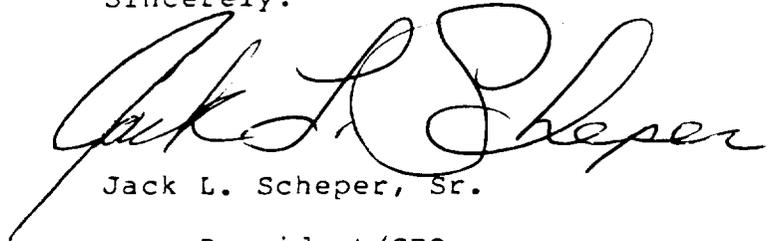
Our service area, as expressed is very seriously depressed financially, therefore we can only charge what the merchants can afford to pay, which ranges from \$10.75 to \$4.75, with

the average \$6.00.

To pay this fee, as shown in your book, we would have to drop an employee for several months, which would be a hardship on that employee, as well as a hardship for our station.

**Any consideration for a reduced fee and payment plan would be most appreciated. We will await your determination before sending the assigned regulatory fee with forms.**

Sincerely:

A handwritten signature in black ink, appearing to read "Jack L. Scheper". The signature is fluid and cursive, with a large initial "J" and "S".

Jack L. Scheper, Sr.

President/CEO  
WHCO Radio  
Sparta, Illinois

JLS/mah

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

May 11, 1998

OFFICE OF  
MANAGING DIRECTOR

Mr. Raymond Woolfenden, Sr.  
President  
Happy Broadcasting, Company Inc.  
214 South Main Street  
P.O. Box 189  
Dumfries, VA 22026

86-285

RE: Request for Waiver of Regulatory Fee

Dear Mr. Woolfenden:

This is in response to your request for a waiver of the Fiscal Year (FY) 1997 regulatory fee for AM Radio Station WPWC, Dumfries, Virginia, licensed to Happy Broadcasting Company, Inc. You argue that the fee will be a financial hardship for the station.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-2762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship. Therefore,

Mr. Raymond Woolfenden, Sr.

2.

your request for waiver of WPWC's regulatory fee is dismissed. Accordingly, Happy Broadcasting Company, Inc. should file an FCC Form 159 (copy enclosed) with its FY 1997 regulatory fee of \$1,600 within 30 days from the date of this letter. If Happy Broadcasting Company, Inc., can establish, however, that payment of the regulatory fee would create a compelling financial hardship, you may file a further request for deferment and waiver supported by appropriate documentation, within 30 days from the date of this letter.

If you have any questions concerning the regulatory fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,

  
Thomas M. Holleran  
Acting Associate Managing  
Director - Financial Operations

Enclosure

WPWC

000000 BCB-98-026

9/22/97



Wonderful Prince William County  
Happy Broadcasting Company, Inc.  
Top Shot Country Sound



Raymond Woolfenden, Sr.  
"Cousin Ray"  
President

214 South Main Street  
P.O. Box 189  
Dumfries, Virginia 22026  
(703) 221-1480 /221-1124

Doris Woolfenden  
Comptroller

SEPTEMBER 22, 1997

FEDERAL COMMUNICATIONS COMMISSION  
WAIVER  
1979 M. STREET NW  
WASHINGTON, D.C. 20554

C/C CLAUDETT PRIDE

WPWC 1480 AM RADIO LOCATED IN DUMFRIES, VIRGINIA OPERATING  
ON 1000 WATTS KW DAY\_\_500 KW NIGHT.

COMING TO THE FCC REQUESTING A WAIVER ON THE REGULATORY FEE  
WHICH IS LISTED AT \$1600.00.

DUE TO HARDSHIP\_\_NO SALES PERSON ONLY MYSELF, RAYMOND WOOLFENDEN  
JR. AND DUE TO A MAJOR BACK OPERATION. I HAVE BEEN IMMOBILIZED  
FOR SEVERAL YEARS WHICH CUTS MY SALES TIME ON THE ROAD. PLUS THE  
MAJOR CHAINS HAVE CLOSED MANY OF THE SMALLER BUSINESS IN THIS  
AREA/ WPWC WHICH WERE MY CUSTOMERS.

WPWC LISENCE EXPIRES 10 1 2003

*Raymond Woolfenden Sr.*  
RAYMOND WOOLFENDEN SR.

HAPPY BROADCASTING COMPANY INC.  
T/A WPWC  
P.O. BOX 189  
DUMFRIES, VIRGINIA 22026

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

May 11, 1998

OFFICE OF  
MANAGING DIRECTOR

Dan J. Alpert, Esquire  
2120 N. 21st Rd.  
Suite 400  
Arlington, VA 22201

86-285

Re: Request for Waiver of Regulatory Fee  
Radio Station KKNW

Dear Mr. Alpert:

This is in response to the petition for waiver of the Fiscal Year (FY) 1997 regulatory fee that you filed on behalf of Q Media, LLC, licensee of AM Radio Station KKNW, Port Angeles, Washington. You request a waiver of the fee, asserting that KKNW is dark (not operating).

The Commission's records indicate that KKNW had been dark pursuant to permission from the Commission, and that it returned to the air on January 5, 1998. In Implementation of Section 9 of the Communications Act, FCC 95-257, ¶ 15 (June 15, 1995), the Commission, noting that dark stations are generally either without or with greatly reduced revenues, and that imposition of a regulatory fee could be an impediment to the restoration of service by dark stations, held that it would waive the regulatory fee for stations which have ceased operation.

KKNW was dark for almost a full year, including the period in which the regulatory fee payment was due. Accordingly, your request is granted and the FY 1997 regulatory fee for KKNW is waived.

If you have any questions concerning the regulatory fees, please contact the Chief, Fee Section at (202) 418-1995.

Sincerely,

  
Thomas M. Holleran  
Acting Associate Managing  
Director - Financial Operations



FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

May 11, 1998

OFFICE OF  
MANAGING DIRECTOR

Dan J. Alpert, Esquire  
2120 N. 21st Rd.  
Suite 400  
Arlington, VA 22201

86-285

Re: Request for Waiver of Regulatory Fee  
Radio Station KHLO

Dear Mr. Alpert:

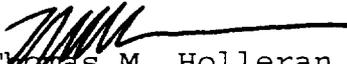
This is in response to the petition for waiver of the Fiscal Year (FY) 1997 regulatory fee that you filed on behalf of Li Hing Mui, Inc., licensee of AM Radio Station KHLO, Hilo, Hawaii. You request a waiver of the fee, asserting that KHLO is dark (not operating).

The Commission's records indicate that KHLO had been dark pursuant to permission from the Commission, and that it returned to the air on November 3, 1997. In Implementation of Section 9 of the Communications Act, FCC 95-257, ¶ 15 (June 15, 1995), the Commission, noting that dark stations are generally either without or with greatly reduced revenues, and that imposition of a regulatory fee could be an impediment to the restoration of service by dark stations, held that it would waive the regulatory fee for stations which have ceased operation.

KHLO was dark for almost a full year, including the period in which the regulatory fee payment was due. Accordingly, your request is granted and the FY 1997 regulatory fee for KHLO is waived.

If you have any questions concerning the regulatory fees, please contact the Chief, Fee Section at (202) 418-1995.

Sincerely,

  
Thomas M. Holleran  
Acting Associate Managing  
Director - Financial Operations

ORIGINAL RECEIVED

00000000-48-009

SEP 17 1997

Handwritten initials: LHM

The Law Office of  
**Dan J. Alpert**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

2120 N. 21st Rd.  
Suite 400  
Arlington, VA 22201

(703) 243-8690

(703) 243-8692 (FAX)

September 17, 1997

Handwritten notes: "Li Hing Mui, Inc." and "2/2/97"

Mr. Andrew S. Fishel  
Managing Director  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, DC 20554

Re: Stations KHLO(AM)  
Hilo, HI

Dear Mr. Fishel:

Li Hing Mui, Inc., by its attorney, hereby requests a waiver of the 1997 Annual Regulatory Fee. In support thereof, the following is stated.

In the Memorandum Opinion and Order issued with respect to Implementation of Section 9 of the Communications Act, FCC 95-257 (June 22, 1995), the FCC recognized that waivers of the annual Regulatory Fee was appropriate in certain instances, and specifically determined that it would grant waivers to licensees of broadcast stations which are dark (not operating). The Commission recognized that an imposition of regulatory fees could be an impediment to the restoration of broadcast service, and that such it would be unnecessary for such stations to make any further showing to warrant grant of a waiver. Id. at ¶ 15.

Li Hing Mui, Inc. is licensee of Station KHLO(AM), Hilo, Hawaii. Station KHLO(AM) currently is dark. Accordingly, a waiver of the 1997 Annual Regulatory Fee is appropriate.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,

Handwritten signature of Dan J. Alpert

Dan J. Alpert

On Behalf of Li Hing Mui, Inc.

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

May 14, 1998

OFFICE OF  
MANAGING DIRECTOR

86-285

Elizabeth A. Sims, Esquire  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Ave., N.W.  
Suite 200  
Washington, D.C. 20036-3101

Re: Requests for Deferment and Reduction  
of Regulatory Fee  
Radio Station WFOY  
Fee control # 9709308835161004  
Fee Paid: \$400

Dear Ms. Sims:

This is in reply to the Petitions for Deferment and Reduction of Regulatory Fees that you filed on behalf of AM Radio Station WFOY, St. Augustine, Florida, licensed to Shull Broadcasting Company, Inc. WFOY was assessed a Fiscal Year (FY) 1997 fee of \$1,000 based on a service area with a population of 698,970 people. You argue that WFOY's signal covers St. Johns County, with a population of 105,000 people, and that its signal does not reach into any of the neighboring counties. As a result Shull tendered a regulatory fee payment of \$400, the regulatory fee for a radio station serving about 100,000 people.

Congress established the total amount of fees that we are to collect for all services for FY 1997 and our fee schedule is formulated to spread the burden of the total fee requirement equitably among the various categories of fee payers, including broadcast licensees. The FY 1997 regulatory fees for all AM stations were derived by calculating the populations within the 0.5 mV/m contour of each individual station, which is their daytime protected service contour. The 0.5 mV/m contour extends beyond and includes populations not within a licensee's primary service area.

We recognize that some broadcasters believe that the city grade contour which each licensee is required to place over its community of license may be a better reflection of the "core" population served by that station, and we contemplate using the city grade contour to calculate FY 1998 radio regulatory fees. However, as a matter of equity, recalculating a station's service area using a different contour than established for FY 1997 for measuring population would require recalculating the service areas, populations, and fees, at a minimum, for all radio broadcast stations, in order to insure the Commission's ability to collect the required amount in fees and that licensees are

Elizabeth A. Sims, Esquire

2.

treated equally. Moreover the 0.5 mV/m contour is appropriate for calculating the FY 1997 regulatory fees because that contour represents the area in which listeners receive the station's protected signal. Thus, the Commission will not reduce, on an ad hoc basis, an individual station's regulatory fee solely because its population served would be lower had we relied on a different service contour.

Accordingly, you have not presented a basis for reduction of WFOY's FY 1997 regulatory fee. Shull Broadcasting Company, Inc., should file an FCC Form 159 (copy enclosed), together with the \$600 outstanding balance of WFOY's FY 1997 regulatory fee, within 30 days from the date of this letter.

If you have any questions concerning the regulatory fee payment, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Thomas M. Holleran  
Acting Associate Managing  
Director - Financial Operations

Enclosure

9709308835161004

RECEIVED

SEP 19 1997

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

ORIGINAL

In re Regulatory Fee Payment of )  
)  
SHULL BROADCASTING )  
COMPANY, INC. )  
)  
for License of WFOY-AM )  
St. Augustine, Florida )

FCC Acct. No. 0592421490

SEP 23 9 52 AM '97

RECEIVED

To: Managing Director, FCC

**PETITION FOR DEFERMENT OF REGULATORY FEES**

Pursuant to Section 1.1165(a)(3) of the Commission's Rules, 47 C.F.R. § 1.1165(a)(3), Shull Broadcasting Company, Inc. ("Shull"), by its attorney, hereby respectfully requests deferment of part of its regulatory fee payment in the amount of \$600.00 for WFOY-AM, St. Augustine, Florida ("WFOY" or the "Station"). The fee owed for the Station for fiscal year 1997 is \$1,000.00. However, in light of the Petition for Reduction in regulatory fees for the Station in the amount of \$600.00, which being filed simultaneously herewith, the actual fee that has been submitted to the Commission for the Station for fiscal year 1997 is \$400.00. For this reason, the payment of the remaining \$600.00 owed for the Station, if it must be paid at all, should be deferred until such time as the Commission issues its decision regarding Family's fee reduction request.

In the *Notice of Proposed Rule Making* proposing the fee amounts for fiscal year 1997,<sup>1</sup> the Commission reconfirmed its commitment to developing a fee assessment method for radio

---

<sup>1</sup> *Assessment and Collection of Regulatory Fees for Fiscal Year 1997, Notice of Proposed Rule Making ("NPRM")*, MD Docket No. 96-186 (released March 5, 1997).

stations that would use the population density of a radio station's geographic location as a factor in determining the regulatory fees owed by that radio station.<sup>2</sup> The Commission expressly stated that such a consideration of population density was a "public interest factor warranting recognition."<sup>3</sup>

WFOY is a Class C AM (old Class IV) radio station located in St. Augustine, Florida, and operates at 1,000 watts. St. Augustine is located in a relatively rural area of northeast Florida in St. John's County. According to FCC records as listed in the Table of AM and FM Radio Regulatory Fees released by the Commission for fiscal year 1997, the Station serves a population of 698,970 persons within its coverage area. In actuality, however, according to the attached county profile, which reflects census population figures in St. Johns County from the most recent census as well as the estimated 1996 population in that county, St. Johns County has a population of not more than 105,000. The county is approximately 30-35 miles long and 15 miles wide. The Station's community of license, St. Augustine, is located in the middle of the county to the east along the coast and thus the Station's signal, according to the licensee, does not reach into neighboring counties. *See* Attached Letter of Doug Shull. For this reason, it is unlikely that the Station reaches more than the approximately 105,000 persons residing in St. Johns County; thus, the \$1,000 fee assessed by the FCC, which is based on a covered population of almost 700,000 people, places an unfair burden on the Station as compared to other stations across the country that serve approximately the same amount of people WFOY actually serves.

---

<sup>2</sup> *NPRM* at ¶27.

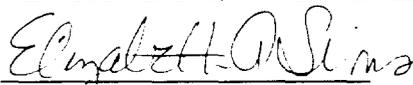
<sup>3</sup> *Id.*

To correct this inequity, Shull submits that it should only be required to pay \$400.00 in regulatory fees for WFOY for fiscal year 1997, which appears to be the amount assessed to most other stations serving a population around 100,000. Such a reduction is fair to WFOY as it appropriately reduces the Station's fee to an amount which more accurately reflects the Station's coverage area as compared to other stations serving the same population and thus eliminates the current undue burden placed on WFOY; it is also fair to the Commission as it recognizes and complies with the Congressional mandate that the Commission charge regulatory fees to fund much of its regulatory work performed throughout the year.

For the above reasons, Shull has filed simultaneously herewith a Petition for Reduction in the amount of regulatory fees owed for WFOY in the amount of \$600.00. Thus, Shull respectfully requests that part of its regulatory fee payment for WFOY in that same amount be deferred until the Commission has reached its decision on Shull's pending Petition for Reduction of the Station's fees.

Respectfully submitted,

**SHULL BROADCASTING COMPANY, INC.**

By:   
Elizabeth A. Sims

Its Attorney

Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, D.C. 20036

September 19, 1997



Douglas D. Shull  
President

September 17, 1997

Beth Simms  
Irwin, Campbell & Tannenwald, P.C.  
170 Rhode Island Avenue, N.W., Suite 200  
Washington, D.C. 20036-3101

*Phone 202 728 0400*

Dear Beth,

I'm faxing to you a sheet from our St. Johns County Chamber of Commerce.

As you can see the county has an estimated population of 105,000.

That's about all you can expect from a Class C - 1,000 watt AM radio station.

How the FCC figures we reach almost 600,000 is beyond me. Every engineer knows that 15 to 20 miles is the maximum effective reach of the old Class IV (now a C) AM radio station. Since we sit on the east coast, we don't have listeners to the east of us.

I'm enclosing a \$400 check to pay our FCC regulatory fee. Let me know.

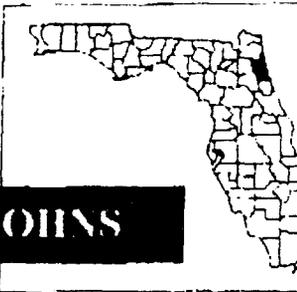
My best,

A handwritten signature in cursive script that reads "Douglas D. Shull". The signature is written in black ink and is positioned above the typed name and title.

Doug Shull  
Owner/President

DDS/jr

# 1997 FLORIDA COUNTY PROFILE



## ST. JOHNS

### IDENTIFICATION

County: St. Johns  
 County Seat: St. Augustine  
 Nearest Metropolitan Area: Jacksonville

### POPULATION

County Population:

1980:	51,303
1990:	83,829
1996 (est):	105,000

Population Projections:

2000:	124,300
2005:	150,900
2010:	180,000

Components of Population Change (1990-1996 est.):

Natural Change	2,075
Net Migration	19,096
Total	21,171

Population Age Breakdown (1996 est.):

0-17	23,625
18-44	40,110
45-64	22,995
65+	18,270

County Land Area (sq. miles) . . . . .609  
 Population Density (1995) . . . . .161  
 Population of Immediate Surrounding Counties . . . . .945,764

Largest Incorporated Municipalities (1995 est.):

1. St. Augustine . . . . .12,090
2. St. Augustine Beach . . . . .4,024
3. Hastings . . . . .655

### EMPLOYMENT

Labor Force:

County Civilian Labor Force (1995)	51,014
Unemployment Rate (1995)	3.5%
Labor Force of Surrounding Counties	470,235

County Nonfarm Employment by Industry (U.S. Dept. of Commerce, Bureau of Economic Analysis) 1994:

Agricultural Services	928
Mining	57
Construction	2,172
Manufacturing	3,084
Transportation, Public Utilities	1,131
Trade	11,390
Finance, Insurance, Real Estate Services	2,735
Government	5,197
Total	40,770

### SELECTED ECONOMIC INDICATORS

Income:

Per Capita Personal Income (1994)	\$26,593
Taxable Sales (1995)	\$972,844,000
Building Permits (Total Value) (1996)	\$358,753,604

### GOVERNMENT

Type:

Commissioner	no
Commissioner/Manager	yes
Zoning Regulations	yes
Planning Commission	yes

### COUNTY TAXES

Ad Valorem Millage Rate (1996)

Government	7.2%
Special Districts	5.5%
Schools	10.0%
Total	17.8%

Are local option ad valorem tax exemptions available? . . . . .y  
 Utility Service Tax/Rate . . . . .no/0.00  
 Local Option Sales Tax . . . . .0.00  
 Local Option Gasoline Tax . . . . .\$.00600 per gallon

### STATE TAXES

Corporate Income Tax	5.5%
Personal Income Tax	no
Retail Sales Tax	6.0%
Gasoline Tax	\$.0128 per gallon
Intangible Tax	2.0 mills per dollar of value

### FINANCIAL

Number of Banks:

Domestics	2
Foreign	0
S&L Associations	0

Banks Financial Standing (thousands) (1995):

Domestic (total deposits)	\$874,600
Foreign (total assets)	\$0
S&L Assoc. (total savings)	\$12,900

Does local government issue industrial revenue bonds? . . . . .y  
 Is tax increment financing available? . . . . .y

**Payment Transactions Detail Report**

Date: 11/19/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709308835161004	SHULL BROADCASTING COMPANY INC	BL931022AA	09/26/97
	WFOY AM		
	ONE RADIO ROAD		
	SAINT AUGUSTINE	FL	32084

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$400.00	\$400.00	1	MGF7	1	WFOYAM	SHULL BROADCASTING COMPANY INC	32084		\$400.00	1	PMT
\$400.00	\$400.00	2	MGF7	1	WFOYAM	SHULL BROADCASTING COMPANY INC	32084		(\$400.00)	1	ADJ
\$400.00	\$400.00	3	MGI7	1	WFOYAM	SHULL BROADCASTING COMPANY INC	32084		\$400.00	1	PMT
<b>Total</b>	<b>3</b>								<b>\$400.00</b>		

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

May 14, 1998

OFFICE OF  
MANAGING DIRECTOR

86-285

Richard Estevez, Esquire  
Fletcher, Heald & Hildreth  
1300 N. 17th Street  
Rosslyn, VA 22209-3801

Re: Request for Waiver of Regulatory Fee  
KB Media, Inc.

Dear Mr. Estevez:

This is in response to your request, filed on behalf of KB Media, Inc. (KB Media), for waiver of the Fiscal Year 1997 (FY 1997) regulatory fees, for VHF Television Station KSWT, Yuma, Arizona.

In response to prior claims of financial hardship, the Commission granted KB Media waivers of its FY 1994, 1995 and 1996 regulatory fees. You maintain that KSWT continues to suffer severe financial hardship. In support of KB Media's 1997 waiver request you submitted a "Budget Comparison Statement" showing that KSWT had a negative cash flow during the first 6 months of 1997. You also state that no salaries were paid to officers or directors of the licensee. You request that the financial information submitted in support of your waiver request be granted confidential protection from disclosure. Your request for confidentiality is granted. The submitted financial information will not be routinely available for public inspection.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsidered granted in part, FCC 95-257, released July 22, 1995.

KB Media's Budget Comparison Statement demonstrates that KSWT experienced substantial financial losses and that it had a negative cash flow during the first 6 months of 1997. This constituted a continuation of the adverse financial circumstances which resulted in waivers of the prior regulatory fees. Thus, you have presented a compelling case of financial hardship and your request for a waiver of the FY 1997 regulatory fees is granted.

Richard Estevez

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The waiver, however, is limited to the FY 1997 regulatory fees. If KB Media continues to experience financial hardship, it may request waiver of the regulatory fees in FY 1998 and in succeeding years.

If you have any questions concerning the waiver, please call the Chief, Fee Section at (202) 418-1995.

Sincerely,



Thomas M. Holleran  
Acting Associate Managing  
Director - Financial Operations

300000BCB-98-024

ORIGINAL

ANN BAVENDER\*  
ANNE GOODWIN CRUMP\*  
VINCENT J. CURTIS, JR.  
RICHARD J. ESTEVEZ  
PAUL J. FELDMAN  
ERIC FISHMAN  
RICHARD HILDRETH  
FRANK R. JAZZO  
ANDREW S. KERSTING\*  
KATHRYN A. KLEIMAN  
EUGENE M. LAWSON, JR.  
HARRY C. MARTIN  
J. TODD METCALF\*  
GEORGE PETRUTSAS  
LEONARD R. RAISH  
JAMES P. RILEY  
KATHLEEN VICTORY  
HOWARD M. WEISS  
\* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW  
11th FLOOR, 1300 NORTH 17th STREET  
ROSSLYN, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER  
(703) 812-0486

INTERNET  
office@fhh-telcomlaw.com

FRANK U. FLETCHER  
(1939-1985)  
ROBERT L. HEALD  
(1956-1983)  
PAUL D.P. SPEARMAN  
(1936-1962)  
FRANK ROBERSON  
(1936-1961)  
RUSSELL ROWELL  
(1948-1977)  
RETIRED  
EDWARD F. KENEHAN  
CONSULTANT FOR INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS  
SHELDON J. KRYS  
U.S. AMBASSADOR (1961)  
OF COUNSEL  
EDWARD A. CAINE\*  
JOHN JOSEPH SMITH\*  
WRITER'S DIRECT

September 19, 1997

**BY HAND DELIVERY**

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

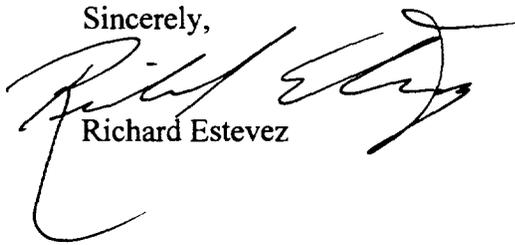
Re: Request for Deferral and Waiver of 1997 Regulatory Fees for KB Media, KSWT(TV), Yuma, Arizona

Dear Mr. Caton:

On behalf of KB Media, Inc., licensee of KSWT(TV), Yuma, Arizona, this letter hereby respectfully requests deferral and waiver of KB Media, Inc.'s 1997 regulatory fees, pursuant to Section 1.1166 of the Commission's rules. The grounds for said deferral and waiver are enclosed herewith.

Should there be any questions regarding this matter, kindly communicate directly with the undersigned.

Sincerely,



Richard Estevez

Enclosures

RECEIVED  
SEP 19 1997  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY



RECEIVED

SEP 19 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

September 10th, 1997

**Marilyn J. Mcdermett**  
Associate Managing Director for Operations  
Federal Communication  
1919 M Street  
Washington, DC 20544

Dear Ms. Mcdermett,

This letter is to request a hardship waiver for the media regulatory fees required by the FCC. Although we have substantially cut expenses, KSWT is unable to pay the fee as we are losing money. We have continued to serve the public through news and public service. All categories of business have declined this year.

Enclosed is a copy of the KSWT year end for 1996. our 1997 loss for the first six months is \$184,434. Note that neither the or directors have received any salary in the past year.

We ask that the commission grant KSWT-TV a waiver and deferral of the 1997 fee due to hardship.

Because of the sensitive nature of the financial information in this letter I respectfully request the commission to keep it confidential.

Thank you for this consideration.

Sincerely,

  
**Larry Linares**  
General Manager

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

May 19, 1998

OFFICE OF  
MANAGING DIRECTOR

Mr. Brent Larson  
President  
First National Broadcasting Corp.  
4014 Beus Drive  
Ogden, UT 84403

86-285

Re: Request for Reduction of Regulatory Fee

Dear Mr. Larson:

This is in response to your request for a reduction of the Fiscal Year 1997 regulatory fee for AM Radio Station KSOS, Brigham City, Utah, licensed to First National Broadcasting Corp. You argue that the station does not serve the population attributed to it. You further assert that you lack funds to pay the fee and that payment of the fee will affect your ability to provide programming to the public.

Congress established the total amount of fees that we are to collect for all services for FY 1997 and our fee schedule is formulated to spread the burden of the total fee requirement equitably among the various categories of fee payers, including broadcast licensees. The FY 1997 regulatory fees for all AM stations were derived by calculating the populations within the 0.5 mV/m contour of each individual station, which is their daytime protected service contour. The 0.5 mV/m contour extends beyond and includes populations not within a licensee's primary service area. However, as a matter of equity, recalculating a station's service area using a different contour for measuring population would require recalculating the service areas, populations, and fees, at a minimum, for all radio broadcast stations, in order to insure the Commission's ability to collect the required amount in fees and that licensees are treated equally.

We recognize that some broadcasters believe that the city grade contour which each licensee is required to place over its community of license may be a better reflection of the "core" population served by that station, and we contemplate using the city grade contour to calculate FY 1998 radio regulatory fees. However, the 0.5 mV/m contour is appropriate for calculating the FY 1997 regulatory fees because that contour represents the area in which listeners receive the station's protected signal. Thus, the Commission will not reduce, on an ad hoc basis, an individual station's regulatory fee solely because its population served would be lower had we relied on a different service contour.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee

Mr. Brent Larson

2.

may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-2762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship. Therefore, your request for waiver or reduction of the regulatory fee for Radio Station KSOS is dismissed. The FY 1997 regulatory fee of \$1,400 for Radio Station KSOS is now due. The fee of \$1,400 should be filed, together with a Form FCC 159 (copy enclosed), within 30 days from the date of this letter. The payment may be accompanied by a request for a waiver and refund of the fees with supporting documentation. In the alternative, you may file a request for further deferral of the regulatory fee, together with relevant documentation, establishing a basis for a waiver.

If you have any questions concerning the regulatory fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,

  
Thomas M. Holleran  
Acting Associate Managing  
Director - Financial Operations

Enclosure

9709228835823010

RECEIVED  
SEP 23 8 04 AM '97  
FEDERAL COMMUNICATIONS COMMISSION

September 15, 1997

Secretary  
Federal Communications Commission  
Washington, D.C. 20554

RECEIVED  
SEP 23 1997  
FCC  
COMMUNICATIONS COMMISSION

RE: Regulatory Fee Reduction Request

Dear Mr. Secretary:

As mandated by your Public Notice received by us on August 14, 1997 and to avoid further fines and penalties of at least 25%, we have forwarded bankcard vouchers to your Pittsburgh address along with the applicable form (159) to pay the annual regulatory fee for AM station KSOS and FM station KLZX as listed in your fee structure.

We feel that the fee amount is excessive, and warrants your consideration to grant us a reduction especially in the amount that was levied against our 1kw daytime AM station. The total amount charged to our bankcard, \$3,840 will require us to make payments with bankcard interest for a least the rest of the year and part of next year, or seek funds from other sources.

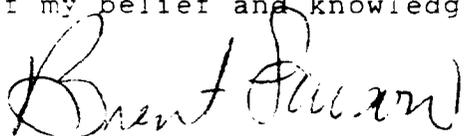
Your fee schedule shows our AM station theoretically reaching some 1,392,646 people, and is based on unrealistic expectations. Not only does our signal fail to reach that many people, but the amount we are attempting to pay represents more than one months income. Although we are near a larger market, with a daytime signal we are hardly able to compete, and must try to super serve a small community to gain any revenue at all.

We believe that a fee this high will now alter our ability to provide needed programming to our city of license and payroll for the personnel that work at the station to maintain programs.

It's reasonable the Commission should seek higher fees from the larger stations represented by the NAB, FM stations that claim in their public financial reports to profit more than 1 million dollars per month. We believe that costs to the Commission is more to regulate those stations, than the \$600 more per year they pay.

We feel the excessive amount of this years fee, in itself has created for us extraordinary and compelling circumstances to request the Commission to consider a fee reduction on our AM station KSOS from \$1400 to \$200.

This request submitted in good faith per the instructions provided in public notice # 75520, and is truthful and correct to the best of my belief and knowledge.



Brent T. Larson, Pres  
First National Broadcasting Corp, licensee

# Payment Transactions Detail Report

Date: 11/10/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709228835823010	LARSON, BRENT T 4014 BEUS DRIVE	FCC2006937	09/17/97
	OGDEN UT 84403		

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$3,840.00	\$3,840.00	3	MSF7	1	K276DP	FIRST NATIONAL BROADCASTING CO	84403		\$220.00	2	PMT
\$3,840.00	\$3,840.00	4	MSF7	1	K292EO	FIRST NATIONAL BROADCASTING CO	84403		\$220.00	2	PMT
\$3,840.00	\$3,840.00	2	MGA7	1	KLZX	FIRST NATIONAL BROADCASTING CO	84403		\$2,000.00	2	PMT
\$3,840.00	\$3,840.00	1	MGD7	1	KSOS	FIRST NATIONAL BROADCASTING CO	84403		\$1,400.00	2	PMT
<b>Total</b>									\$3,840.00		

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

May 27, 1998

OFFICE OF  
MANAGING DIRECTOR

86-285

Mr. Peter Quentin George  
6 Maritime Drive  
Wareham, MA 02571

Re: Request for Waiver of Regulatory Fee  
Fee Control # 9709238835204011  
Fee Paid: \$220

Dear Mr. George:

This is in response to your request for a waiver of the Fiscal Year (FY) 1997 regulatory fee for FM Translator Station W221AG. You maintain that the translator is not licensed to and does not have common ownership with the licensee of a commercial broadcast station, it does not derive any income from advertising, and that the cost of operating the transmitter is supported by contributions from members of the community.

In implementing the regulatory fee program, the Commission indicated that it would waive the regulatory fees for any translator station that:

(1) is not licensed to, in whole or in part, and does not have common ownership with, the licensee of a commercial broadcast station; (2) does not derive income from advertising; and (3) is dependent on subscriptions or contributions from the members of the community served for support.

Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12579, 2762 ¶ 16 (1995).

Based upon your representations, we will waive and refund the FY 1997 regulatory fee. The waiver shall remain in effect until there is an assignment of your license or a substantial change in the financing of your translator service. You should retain this letter, and a copy should be included in any correspondence with the Commission concerning the regulatory fees for W221AG.

A check, made payable to the maker of the original check, and drawn in the aggregate amount of \$220, will be sent to you at the

Mr. Peter Quentin George

2.

earliest practicable time. If you have any questions concerning the refund, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Thomas M. Holleran  
Acting Associate Managing  
Director - Financial Operations

7 109 2388 35 204011

Peter Q. George  
W221AG FM Translator  
6 Maritime Drive  
Wareham, MA 02571

September 22, 1997

Federal Communications Commission  
Managing Directors Office  
Room 848  
1919 M Street, NW  
Washington, DC 20554

Dear Sir/Madam:

Enclosed, please see a copy of a letter for a waiver of the Fiscal Year 1997 Regulatory Fee for FM Translator station W221AG and a copy of the check on the same page. In addition, a copy of the Remittance Advice is enclosed. All were sent to the Pittsburgh, PA lockbox #358835 to show rules conformance.

As stated in the Letter of Waiver Request, W221AG is my only radio broadcast service. I operate the station totally as a public service. I have never obtained income from any advertising. The station is solely dependent on contributions from the public.

As stated in my previous letter to the Commission, I request that the waiver for the Regulatory Fee for FM Translator station W221AG be granted.

Sincerely,

  
Peter Quentin George

Peter Quentin George  
6 Maritime Drive  
Wareham, MA 02571

September 15, 1997

Federal Communications Commission  
1919 M Street N. W.  
Washington DC 20554

re: Requested waiver of Regulatory Fee for W221AG

Dear Sir/Madam:

I, Peter Quentin George, am requesting a waiver of the FY 1997 Regulatory Fee being levied on my licensed Translator, W221AG.

I meet all the circumstances for the waiver as described on pages 8 and 9 for the FCC's FY 1997 Mass Media Regulatory Fees booklet. Those circumstances are:

- 1) - As the sole licensee of W221AG, I do not own, nor have any financial interest in any other broadcast service.
- 2) - I have never obtained income from any advertising.
- 3) - W221AG is solely dependent on contributions from the public.

I respectfully request a waiver of the Regulatory Fee for W221AG which is solely run as a public service.

Sincerely,

  
Peter Quentin George

PETER Q. GEORGE / 8-85  
MALLORI C. GEORGE  
PH. # 508-690-2321  
33 STETSON STREET, APT. 21  
WHITMAN, MA 02582

3866  
5-13/110

SEPT 16 1997

Pay to the order of FEDERAL COMMUNICATIONS COMMISSION \$ 220.00

Two hundred and twenty dollars

Security features included  
Details on back

FLEET  
WHITMAN OFFICE 98282  
WHITMAN, MA 02582

for regulatory fee 1997

⑆00110001381200⑆ 3866 45599⑈ 3866



# Payment Transactions Detail Report

Date: 11/10/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709238835204011	GEORGE, PETER Q 6 MARITIME DRIVE  WAREHAM MA 02571	6173416073	09/19/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$220.00	\$220.00	1	MSF7	1	W221AG	GEORGE, PETER Q	02571		\$220.00	1	PMT
<b>Total</b>									<u>\$220.00</u>		

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

May 27, 1998

OFFICE OF  
MANAGING DIRECTOR

86-285

Cara Ebert Cameron, Esquire  
3101 North Federal Highway  
Suite 601  
Fort Lauderdale, FL 33306-1042

Re: Request for Waiver of Regulatory Fee  
Global Broadcasting Systems

Dear Ms. Cameron:

This is in response to the petition for waiver of the Fiscal Year (FY) 1997 regulatory fee, that you filed on behalf of Global Broadcasting Systems Licensing Corp., licensee of Television Stations KCNS, San Francisco, California, and WRAY, Wilson, North Carolina. You maintain that Global Systems is being operated by a trustee appointed by the United States Bankruptcy Court in the Southern District of New York. In support you have submitted Orders from the Bankruptcy Court directing and approving the appointment of a bankruptcy trustee.

In Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 ¶ 14 (1995), the Commission determined that it would waive the regulatory fees for licensees whose stations are bankrupt, undergoing Chapter 11 reorganizations or are in receivership.

Accordingly, your request is granted and the FY 1997 regulatory fees for Television Stations KCNS and WRAY are waived. If you have any questions concerning the waiver, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,

  
Thomas M. Holleran  
Acting Associate Managing  
Director - Financial Operations

CARA EBERT CAMERON, P.A.

ATTORNEY AT LAW

3101 North Federal Highway

Suite 601

Fort Lauderdale, Florida 33306-1042

RECEIVED  
SEP 10 9 30 AM '97

RECEIVED

SEP 11 1997

FCC MAIL ROOM

CCCCC CBCE - 98 - 507

Telephone  
Area Code (954)  
565-1411  
FAX (954)  
565-1311

September 8, 1997

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

RE: Mass Media Regulatory Fees  
KCNS-TV, San Francisco, California  
WRAY-TV, Wilson, North Carolina

Dear Mr. Caton:

Global Broadcasting Systems License Corp., licensee of the above-referenced stations, is in Chapter 11 Bankruptcy under the control of a Court Appointed Trustee, File Numbers BTCCT 97-0714IA and BTCCT 97-0714IB.

The stations are on the air carrying satellite programming provided by Shop at Home, Inc. under a Time Brokerage Agreement. The monthly fee of \$180,000 paid to the licensee is its only source of income, and it is used to pay all of the operating expenses of the stations which include tower and studio rent, electricity, personnel, non-entertainment and children's programming, engineering and equipment repairs. The licensee also maintains a skeleton New York office from which the Trustee supervises the operation of the stations and other obligations of the licensee as he prepares for a 361 sale of the assets under the Bankruptcy Code.

The monthly operating budget is very tight and allows only minimal funds to be retained for technical repairs and emergencies. The equipment is in such poor repair that the stations are operating at reduced power. An expenditure of \$25,600 at this time would totally deplete the licensee's funds, leaving the stations financially unable to respond to technical emergencies and put them in danger of going dark.

In view of the present situation and public interest that the stations remain on the air, the Trustee, S. James Coppersmith, by and through his undersigned counsel, respectfully requests that the Commission waive the payment of the spectrum fee at this time for stations KCNS-TV and

WRAY-TV.

Upon the closing of the sale of the stations under the 361 proceeding in the Bankruptcy Court, funds will be available to pay the fees.

Please direct any questions or request for additional information to the undersigned. Thank you for your consideration in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Cara Ebert Cameron".

Cara Ebert Cameron

CEC:gg

RECEIVED  
SEP 15 1997  
FCC MAIL ROOM

CARA EBERT CAMERON, P.A.  
ATTORNEY AT LAW  
3101 North Federal Highway  
Suite 601  
Fort Lauderdale, Florida 33306-1042

RECEIVED  
SEP 15 1997  
FCC MAIL ROOM

September 11, 1997

Telephone  
Area Code (954)  
565-1411  
FAX (954)  
565-1311

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

RE: Mass Media Regulatory Fees  
KCNS-TV, San Francisco, California  
WRAY-TV, Wilson, North Carolina

Dear Mr. Caton:

Please reference my letter of September 8, 1997 regarding Global Broadcasting Systems License Corp., licensee of the above-referenced stations, a copy of which is attached hereto.

The second paragraph mistakenly states that the monthly fee paid by Shop at Home is \$180,000 when in fact it is \$165,000.

Please direct any questions or requests for additional information to the undersigned. Thank you for your consideration in this matter.

Very truly yours,



Cara Ebert Cameron

CEC:gg

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

86-285

May 27, 1998

OFFICE OF  
MANAGING DIRECTOR

Mr. Sam Dozier  
General Manager  
Radio Station WAMI-AM/FM  
P.O. Box 40  
Opp, AL 36467

Re: Request for Review of Regulatory Fee  
AM Radio Station WAMI  
Fee Control # 9709228835198006  
Fee Paid: \$600

Dear Mr. Dozier:

This is in response to your request for a review of the \$600 Fiscal Year (FY) 1997 regulatory fee paid by you for AM Radio Station WAMI. You argue that you do not believe that you are able to serve the population attributed to your station.

Congress established the total amount of fees that we are to collect for all services for FY 1997 and our fee schedule is formulated to spread the burden of the total fee requirement equitably among the various categories of fee payers, including broadcast licensees. The FY 1997 regulatory fees for all AM stations were derived by calculating the populations within the 0.5 mV/m contour of each individual station, which is their daytime protected service contour. The 0.5 mV/m contour extends beyond and includes populations not within a licensee's primary service area. However, as a matter of equity, recalculating a station's service area using a different contour for measuring population would require recalculating the service areas, populations, and fees, at a minimum, for all radio broadcast stations, in order to insure the Commission's ability to collect the required amount in fees and that licensees are treated equally.

We recognize that some broadcasters believe that the city grade contour which each licensee is required to place over its community of license may be a better reflection of the "core" population served by that station, and we contemplate using the city grade contour to calculate FY 1998 radio regulatory fees. However, the 0.5 mV/m contour is appropriate for calculating the FY 1997 regulatory fees because that contour represents the area in which listeners receive the station's protected signal. Thus, the Commission will not reduce, on an ad hoc basis, an individual station's regulatory fee solely because its population served would be lower had we relied on a different service contour.

Mr. Sam Dozier

2.

Thus, your request for a review of the regulatory fee for AM Radio Station WAMI is denied. If you have any questions concerning the regulatory fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Thomas M. Holleran  
Acting Associate Managing  
Director - Financial Operations

4709228835198026

(334) 493-3588



PROUD OF OUR COUNTRY!

P.O. Box 40  
Opp, Alabama 36467

September 15, 1997

Federal Communications Commission  
1919 M Street N.W.  
Washington, D.C. 20554

Gentlemen:

We would like to request a reweiv of our Regulatory Fee Category  
for WAMI-AM as determined by the class of our station and the  
population served. We do not feel that the population that we  
are able to serve is quite as high as stated in the Public  
Notice Fee Payment Schedule.

Yours truly,

Sam Dozier

General Manager

WAMI-AM

*Opp Broadcasting*

SD/dj

# Payment Transactions Detail Report

Date: 11/10/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709228835198006	OPP BROADCASTING CO PO BOX 40 1807 N MAIN ST OPP AL 36467	FCC2044405	09/17/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$1,000.00	\$1,000.00	1	MGH7	1	WAMIAM	OPP BROADCASTING CO	36467		\$600.00	1	PMT
\$1,000.00	\$1,000.00	2	MGI7	1	WAMIFM	OPP BROADCASTING CO	36467		\$400.00	1	PMT
Total <u>2</u>									\$1,000.00		

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

May 27, 1998

OFFICE OF  
MANAGING DIRECTOR

86-285

Eric S. Kravetz, Esquire  
Brown Nietert & Kaufman, Chartered  
1920 N Street, N.W.  
Suite 660  
Washington, DC 20036

Re: Request for Waiver of Regulatory Fees  
Coltre Broadcasting, Inc.  
Radio Station WFUN(FM)  
Fee Control # 9609248835845002  
Fee Paid: \$865  
Fee Control # 9709238835325009

Dear Mr. Kravetz:

This is in response to your request, filed on behalf of Coltre Broadcasting, Inc. (CBI), for waiver and refund of the Fiscal Years (FY) 1996 and 1997 regulatory fees for Radio Station WFUN(FM), Bethalto, Illinois, and an associated auxiliary station.

You maintain that CBI has been operating WFUN(FM) at a loss, that there has been no compensation or other payout to ownership, and that payment of the regulatory fee would create a substantial financial burden for CBI. Robert E. Howe, President of CBI also stated that he has had to contribute significant funds on a continuing basis in order to keep WFUN on the air. In support of your request, you have submitted a Statement of Revenues and Expenses for the Years ending December 31, 1995 and 1996 and for the six months ending June 30, 1997.

In establishing the regulatory fee program, the Commission recognized that in certain instances licensees would be unable to pay their regulatory fees without impairing their quality of service to the public. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).

The possible benefits to the licensee's principals are an essential consideration in a determination of economic hardship. In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon an applicant's cash flow, as opposed to the entity's profits. Thus, deductions for amortization and depreciation and payments to principals,

which reduce gross income for tax purposes, represent money which is ordinarily available to pay the regulatory fees.

CBI's financial statements demonstrate that WFUN(FM) experienced substantial financial losses and had a negative cash flow during the calendar years preceding the times that the payments were due. CBI's losses exceed the totals of the expenses for depreciation and amortization which represent funds that might otherwise be available to pay the regulatory fee, and it represents a continuation of the pattern of financial losses upon which waivers were granted to WFUN for FY 1994 and FY 1995. Thus, CBI has presented a compelling case of financial hardship, and the request for waivers and refunds of the FY 1996 and FY 1997 regulatory fees for Radio Station WFUN(FM), are granted.

The waivers, however, are limited to CBI's FY 1996 and FY 1997 regulatory fees. If CBI continues to experience financial hardship, you may file requests for waivers of its regulatory fees for FY 1998 and succeeding years, supported by documentation of its financial condition.

WFUN's regulatory fees of \$865 for FY 1996 and \$1,825 for FY 1997 will be refunded. A check, made payable to the maker of the original checks, and drawn in the aggregate amount of \$2,690, will be sent to you at the earliest practicable time. If you have any questions concerning the refunds, please contact the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Thomas M. Holleran  
Acting Associate Managing  
Director - Financial Operations

9609248835845002  
9709238835325009

LAW OFFICES  
BROWN NIETERT & KAUFMAN, CHARTERED  
SUITE 660  
1920 N STREET, N.W.  
WASHINGTON, D.C. 20036  
TEL (202) 887-0600  
FAX (202) 457-0126

RECEIVED

SEP 23 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

September 23, 1997

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

Re: **WFUN-FM**  
**Bethalto, IL**

WF9

RECEIVED  
SEP 23 1997  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Mr. Caton:

On behalf of our client, Coltre Broadcasting, Inc. (formerly Bethalto Broadcasting Corp.), licensee of Station WFUN-FM, Bethalto, Illinois, there are submitted herewith an original and two copies of its Request for Waiver and Refund of the Regulatory Fees which it has paid in 1996 and 1997. As explained in the enclosed Request and shown in the financial statements attached thereto, such waiver and refund are warranted due to the substantial financial loss and negative cash flow experienced by the station throughout the past years and up to the present.

Copies of the letters from the Office of the Managing Director which granted the licensee's earlier requests for waiver and refund of the 1994 and 1995 regulatory fees also are enclosed.

Please direct any communication concerning this request to the undersigned.

Very truly yours,

  
Eric S. Kravetz

Enclosures

RECEIVED

SEP 23 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

STATEMENT OF ROBERT E. HOWE

Robert E. Howe hereby states the following:

I am the 100% shareholder of Coltre Broadcasting, Inc. which has been the licensee of WFUN-FM, Bethalto, Illinois, since February 29, 1996. I also was 100% shareholder of Bethalto Broadcasting Corporation, the preceding licensee, which operated WFUN-FM from January, 1994 to February 29, 1996. I also have managed the station from 1994 to the present.

WFUN-FM is a small, Class A facility which has struggled financially and operated at a loss throughout the time it has been on the air. It never has attracted enough advertising revenues to cover the operating costs of the station. As the sole owner of Coltre/Bethalto, I therefore have had to contribute significant funds to the station on a continuing basis in order to keep it on the air. Neither Coltre nor Bethalto has received income from the station or paid dividends, and I have never been paid a salary or received any other compensation from the station or either licensee corporation.

For this reason, the FCC has refunded the regulatory fees which I paid in 1994 and 1995. (Copies of the FCC's letters which granted my requests for refund are attached.) The financial situation has not improved at WFUN-FM since that time although, upon reviewing my records, I recently have realized that I neglected to request a refund of the fee paid in 1996.

I therefore hereby respectfully request a refund of the regulatory fees paid by Coltre Broadcasting, Inc. for 1996 and 1997. The attached financial statements for the 1995 and 1996 calendar/fiscal years are attached. They show that WFUN-FM has continued to struggle financially and that payment of the regulatory fee in both 1996 and 1997 placed a significant financial burden on the station.

I hereby certify under penalty of perjury that the above Statement is true and correct to the best of my knowledge and belief. Executed this 16<sup>th</sup> day of September, 1997.

By:



Robert E. Howe, President  
Coltre Broadcasting, Inc.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

July 24, 1996

OFFICE OF  
MANAGING DIRECTOR

Eric S. Kravetz, Esquire  
Brown Nietert & Kaufman, Chartered  
1920 N Street, N.W.  
Suite 660  
Washington, D.C. 20036

Re: Request for Waiver of Regulatory Fees  
Bethalto Broadcasting Corporation  
Radio Station WFUN(FM)  
Fee Control # 9509228835043002  
Fee Paid: \$775

Dear Mr. Kravetz:

This is in response to your request, filed on behalf of Bethalto Broadcasting Corporation (BBC), for waiver and refund of the Fiscal Year (FY) 1995 regulatory fees for Radio Station WFUN(FM), Bethalto, Illinois, and an associated auxiliary station.

You maintain that BBC has been operating WFUN(FM) at a loss, that there has been no compensation or other payouts to ownership, and that payment of the regulatory fee would create a substantial financial burden. In support of your request, you have submitted a Statement of Revenues and Expenses for the year ending December 31, 1994.

In establishing the regulatory fee program, the Commission recognized that in certain instances licensees would be unable to pay their regulatory fees without impairing their quality of service to the public. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).

The potential benefits accruing to the licensee's principals are an essential consideration in a determination of economic hardship. In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon an applicant's cash flow, as opposed to the entity's profits. Thus, deductions for amortization and depreciation and payments to principals, which reduce gross income for tax purposes, represent money which is ordinarily available to pay the regulatory fees.

By letter dated November 27, 1995, we waived BBC's FY 1994 regulatory fees for Radio Station WFUN(FM) based on a showing of

financial hardship. BBC's latest financial statement demonstrates that WFUN(FM) experienced substantial financial losses and had a negative cash flow during the calendar year preceding the time that its payment was due. BBC lost over \$182,000 during 1994, and that loss exceeds the total expenses for depreciation and amortization, which represent funds that might otherwise be available to pay the regulatory fee. It further reflects a continuation of the pattern of financial losses upon which the waiver was granted for FY 1994. Thus, BBC has presented a compelling case of financial hardship, and its request for a waiver and refund of the FY 1995 regulatory fee is granted.

The waiver, however, is limited to BBC's FY 1995 regulatory fee. If BBC continues to experience financial hardship, you may file requests for waivers of its regulatory fees for FY 1996 and succeeding years, supported by documentation of its current financial condition.

A check, made payable to the maker of the original check, and drawn in the amount of \$775, will be sent to you at the earliest practicable time. If you have any questions concerning the refund, please contact the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Marilyn J. McDermott  
Associate Managing Director  
for Operations

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

Rhonda L. Neil, Esquire  
Brown Nietert & Kaufman, Chartered  
Suit 660  
1920 N Street, N.W.  
Washington, DC 20036

Re: Request for Waiver of Regulatory Fees  
Bethalto Broadcasting Corporation  
Fee Control # 9409028835848007  
Fee Paid: \$625

Dear Ms. Neil:

This is in response to your request, filed on behalf of Bethalto Broadcasting Corporation (BBC), for waiver of the Fiscal Year (FY) 1994 regulatory fee for Radio Station WFUN(FM), Bethalto, Illinois.

You maintain that BBC has been operating WFUN(FM) at a loss, that there has been no compensation or other payout to ownership, and that payment of the regulatory fee would place a substantial financial burden on BBC. In support of your request, you have submitted a Statement of Assets, Liabilities and Equity-Income for the 6 months preceding payment of the regulatory fee.

In establishing the regulatory fee program, the Commission recognized that in certain instances licensees would be unable to pay their regulatory fees without impairing their quality of service to the public. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsidered granted in part, FCC 95-257, released July 22, 1995.

Our review of BBC's financial statement demonstrates that WFUN(FM) experienced substantial financial losses and had a negative cash flow during the six month period preceding the time that the payment was due. BBC lost over \$77,000 during this period, and that loss exceeds the totals of the expenses for depreciation and amortization which represent funds that might otherwise be available to pay the regulatory fee. Thus, BBC has presented a compelling case of financial hardship and the request for a waiver of the FY 1994 regulatory fee requirement for WFUN(FM) is granted.

Rhonda L. Neil, Esquire  
Page 2

The waiver, however, is limited to the FY 1994 regulatory fee. If WFUN(FM) continues to experience financial hardship, you may file requests for waivers of the regulatory fees for FY 1995 and succeeding years, supported by documentation of WFUN(FM)'s financial condition.

A credit of \$625 will be made to the credit card used for the fee payment. If you have any questions concerning the credit, please contact the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Marilyn J. McDermott  
Associate Managing Director  
for Operations

**Payment Transactions Detail Report**

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
<b>9709238835325009</b>	<b>COLTRE BROADCASTING INC</b> <b>712 E BETHALTO DRIVE</b>	<b>FCC2046558</b>	<b>09/19/97</b>

BETHALTO            IL            62010

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$1,825.00	\$1,825.00	1	MGB7	1	WFUNFM	COLTRE BROADCASTING INC	62010		\$1,800.00	1	PMT
\$1,825.00	\$1,825.00	2	MUB7	1	WLP556	COLTRE BROADCASTING INC	62010		\$25.00	1	PMT
<b>Total</b>		<b>2</b>							<b>\$1,825.00</b>		

**Payment Transactions Detail Report**

Date: 11/10/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9609248835845002	COLTRE BROADCASTING INC 412 E BETHALTO DRIVE	FCC2029537	09/20/96
	BETHALTO IL 62010		

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$865.00	\$865.00	1	MMF6	1	WFUNFM	COLTRE BROADCASTING INC			\$830.00	2	PMT
\$865.00	\$865.00	2	MUB6	1	WLP556	COLTRE BROADCASTING INC			\$35.00	2	PMT
<b>Total</b>		<b>2</b>							<b>\$865.00</b>		