

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

JUL 17 1998

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William J. Henderson, Jr.
President
H & B Broadcasting
609 Main Street
Portage, PA 15946

Re: Request for Waiver of Regulatory Fee

Dear Mr. Henderson

This is in response to your request for waiver of the Fiscal Year (FY) 1997 regulatory fee for FM Radio Station WZGO, Portage, Pennsylvania, licensed to H & B Broadcasting, Inc. You argue that WZGO serves a small economically depressed area, and that the regulatory fee places a heavy burden on your station. In support of your request, you submitted H & B's 1996 Income Tax return.

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).

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.

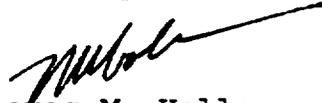
H & B's income tax return indicates that no compensation was paid to its officers, and that although there was a substantial deduction for depreciation it was insufficient to off-set the monetary losses documented on the tax return. In view of the negative cash flow you have established a compelling case of financial hardship, and your request for a waiver of the FY 1997 regulatory fee is granted. The waiver, however, is limited to the FY 1997 regulatory fee. If FM Radio Station WZGO continues to experience financial hardship, you may request waiver of the regulatory fees in FY 1998 and succeeding years, supported by appropriate documentation of the station's financial condition.

Mr. William J. Henderson, Jr.

2.

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

Sincerely,

A handwritten signature in black ink, appearing to read "M. Holleran", with a long horizontal stroke extending to the right.

Thomas M. Holleran
Acting Associate Managing
Director for Operations

(814) 736-8000

WZGO-FM

**"Good Time
Rock 'n' Roll Oldies"**

date =

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

ATTN: Managing Director

H+B

Dear Sir:

For the past few years the Regulatory Fees have been in effect and have created an additional burden to our stations and I'm sure other small market stations as well. Our stations are licensed to Portage, Pennsylvania. Portage Borough has a population of about 3,000. Portage Township has a population of about 4,000. Both Portages combined form the largest community area within a 12 mile radius. Most of the other communities have populations of only hundreds. Portage has only a small downtown business district and because of the declining economy there are many empty stores.

The Regulatory Fees have placed a financial burden on our station and other stations in similar markets with a declining economy. Two important factors have risen in conjunction with these fees:

1. These fees are too high for the small market stations who are struggling with slow economies.
2. Small market stations are paying basically the same operating costs as larger market stations in the same class.

These fees, although easily paid by those larger market stations, are a tremendous burden on the struggling small stations.

In the past two years, our station has suffered great losses both financial and physical. With fewer and fewer businesses to receive revenue from and with the remaining businesses cutting down their advertising because of their own financial decline, our gross revenue has suffered tremendously. Several years ago winter storms caused severe damage to our building housing the radio station. Part of our roof collapsed causing damage to the interior and the studios below it. The winter damage was widespread throughout the area and many businesses suffered damage as well. Many businesses had roof and building damage and were forced to close for repairs. Of course, advertising revenue fell sharply not only because of the damage to area businesses, but also to the lack of sales by those businesses who were closed for a time because of it. Our stations have never fully recovered from those losses.

most of our financial income at the time had to go to repairs and extensive maintenance and reconstruction which still has not been 100% completed. Additionally, severe thunderstorms this past summer have added to our problems. Lightning struck our tower causing severe damage four times between late June and early August. Severe damage was caused to both the AM & FM transmitters taking us off the air and causing severe damage to our tower lights and destroying our surge protection. The IPA section of the FM transmitter was completely destroyed along with the "final" tube which was literally blown to pieces. Additionally, much of our processing equipment, modulation monitors and other such equipment were either damaged or destroyed. After extensive repairs and parts replacement the first time, restoration of service and temporary repairs to our tower lights, again our station was struck causing much of the same damage a second time. Surge protection devices did nothing to prevent any damage. Again the damage was repaired when the station was struck a third time. This time the electric panel box was literally blown off the wall and the modulation section of the AM transmitter completely destroyed. Those repairs were made and service restored when the stations were hit a fourth time. This time our backup AM transmitter was hit destroying the plate transformer and several other parts and again damaging the IPA and APC sections of the FM transmitter.

Since August, however, our stations have not been effected by lightning storms. The National Weather Service has told me that storms of such severity has not effected our area so adversely in almost 50 years. Indeed, in the 13 years in which I have been associated with this radio station, I have not seen any damage to equipment from such storms up until the Summer Storms of 1995.

Of course, not only did this station have to repair this extensive damage, but also lost a good bit of revenue during the periods after each hit in which the stations were down or operating at low power. This has placed the stations in a financial "hole" in which we have been trying to climb out of for the past two years. We have had to reduce staff drastically, and have had to make other cuts in order to stay on the air, make repairs and pay our bills. We have fallen behind in most of our bills and we need time to get back on track. This station pays Federal Taxes, State taxes, unemployment taxes, school taxes, other local taxes, property taxes and other required taxes. The Regulatory Fees are more than we can handle.

In light of our dire financial situation, I request the following:

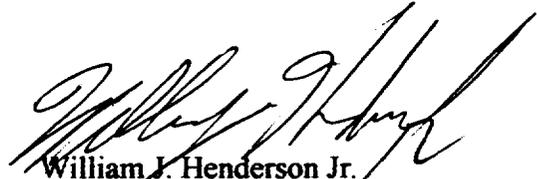
1. **Deferral of payment and exemption from required 1997 regulatory fees because we literally can't pay them without curtailing our operation.**
2. Our total income from 1994 was less than \$100,000. Our expected income this year is about the same. I have attached a copy of our 1996 Federal Income Tax Return to substantiate our weak financial situation.

Our radio stations maintain a local public image. Indeed many businesses and civic organizations in the Portage area depend on us as their "voice" in competition with similar businesses and organizations in Johnstown or Altoona which tend to draw business away from Portage.

Since 1960, both the AM (since 1960) and the FM (since 1990) has contributed to the economy and survival of this community. Indeed, our own public officials have indicated that the Portage radio stations have made the difference by keeping Portage on the map. I have dedicated the past 15 years of my life to insure just that. I would hate to see what would happen to this community if these stations went off the air. I would also hate to see what would happen here if

all local programming. That would not be broadcasting in the public interest and not broadcasting in the best interest of Portage. I ask that you grant my above requests and relieve the burden that the Regulatory Fees have placed on us.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Henderson Jr.", written in a cursive style.

William J. Henderson Jr.
President/General Manager
H & B Broadcasting/WZGO AM & FM

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

August 6, 1998

OFFICE OF
MANAGING DIRECTOR

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. April Craddock-Danahy
General Manager
Hammer-Williams Broadcasting Inc.
300 North Van Buren Street
P.O. Box 3128
Enid, OK 73703

Re: Request for Reduction of Regulatory Fee
Fee Control # 9709198835766003

Dear Ms. Craddock-Danahy:

This is in response to your request for a reduction of the Fiscal Year 1997 regulatory fee of \$1,600 for AM Radio Station KGWA, Enid, Oklahoma, licensed to Hammer-Williams Broadcasting Inc. You argue that the fee schedule overstates the population attributed to KGWA for fee purposes.

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 have decided to use 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.

Ms. April Craddock-Danahy

2.

Accordingly, your request for reduction of the regulatory fee is denied. If you have any questions concerning the fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mark Reger".

Mark Reger
Chief Financial Officer

Jenny

9709198835766003

HAMMER-WILLIAMS BROADCASTING INC.

APRIL CRADDOCK-DANAHY
300 NORTH VAN BUREN
P.O. BOX 3128
Enid, Oklahoma 73703

Telephone (580) 234-4230
Fax (580) 234-2971

Managing Director FCC
1919 M. Street N.W
Room 852
Washington D.C. 20554

February 05, 1998

Dear Managing Director,

In September of 1997 our stations KGWA-KOFM joined thousands of other stations in paying regulatory fees. I am sure that our stations are not the first to contact your office in requesting a rate reduction. We feel one of our stations was not classified correctly. KGWA is an AM station in Enid, Oklahoma. We received a Class B for a population of 1,262,369. We were assessed a fee of \$1,600. KGWA primarily serves a population in Garfield county of approximately 45,000. I feel we were assessed the population of our county and possibly Oklahoma County. Although our signal reaches Oklahoma county we receive virutally no advertising dollars from the larger metro market. KGWA cannot compete with the multitude of stations there. For this purpose I request a different classification.

I am sure you will need additional information. I am not sure what information you'll need. I can be reached at P.O. Box 3128 Enid, OK 73702 or by phoning 580-234-4230.

Sincerely,



April Craddock-Danahy
General Manager
Hammer-Williams Broadcasting Inc.

Payment Transactions Detail Report

Date: 8/5/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709198835766003	HAMMER WILLIAMS BROADCASTING I 300 NORTH VAN DUREN	FCC2045673	09/18/97

ENID OK 73703

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
\$2,475.00	\$2,475.00	4	MUB7	1	KB55087	HAMMER WILLIAMS BROADCASTING I	73703		\$25.00	5	PMT
\$2,475.00	\$2,475.00	1	MGC7	1	KGWA	HAMMER WILLIAMS BROADCASTING I	73703		\$1,600.00	5	PMT
\$2,475.00	\$2,475.00	3	MUB7	1	KKR441	HAMMER WILLIAMS BROADCASTING I	73703		\$25.00	5	PMT
\$2,475.00	\$2,475.00	2	MGG7	1	KOFM	HAMMER WILLIAMS BROADCASTING I	73703		\$800.00	5	PMT
\$2,475.00	\$2,475.00	5	MUB7	1	WHB301	HAMMER WILLIAMS BROADCASTING I	73703		\$25.00	5	PMT
Total									\$2,475.00		

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

JUL 17 1998

RECEIVED

OFFICE OF
MANAGING DIRECTOR

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. W. J. Wheeler
Harrison Broadcasting Corporation
P.O. Box 430
Harrison, AR 72601

Re: Regulatory Fees: Radio Station KHOZ (AM)
and KHOZ-FM
Fee Control # 9709238835247003
Fee Paid: \$2,150

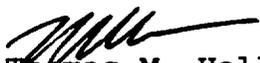
Dear Mr. Wheeler:

This is in response to your inquiry concerning the Fiscal Year (FY) 1997 regulatory fees for Radio Stations KHOZ (AM) and KHOZ-FM, Harrison, Arkansas, licensed to Harrison Broadcasting Corporation. You state that the populations attributed to each station are "confusing" because of the sparsely populated nature of the areas served and the differences in the powers of your stations. You ask the Commission to review its calculations for your stations.

The FY 1997 regulatory fees for all stations were derived by calculating the populations within the interference free contour of each individual station. The similarities in the size of protected contours, in spite of the differences in power, are attributable to differences in the propagation characteristics of AM and FM stations.

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

Sincerely,


Thomas M. Holleran
Deputy, Associate Managing
Director for Operations

97093238835247003

KHOZ

HARRISON BROADCASTING CORPORATION

AM 900 KHz/FM 102.9 MHz

801/741-2302 • P.O. Box 430 • Harrison, AR 72601

September 17, 1997

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

RE: 1997 Regulatory Fees

Dear Sir or Madam:

This letter is to inquire about the procedure used to determine regulatory fees for KHOZ(AM) and KHOZ-FM, Harrison, Arkansas.

Specifically, the population numbers are confusing. Since this area of north Arkansas and south Missouri is rather sparsely populated, it would seem that there is an error in the figures used for "population served". The coverage area of KHOZ-FM (Class C-1, 100,000 watts) is much greater than that of KHOZ (AM) (Class D, 1,000 watts @ 900 KHz). KHOZ (AM) is shown to have 212,266 persons served while KHOZ-FM has 197,966.

I do not know how this affects the regulatory fees for either station, but since fees are based upon class of station and population served, I would appreciate your looking into this matter to determine if the fees paid (\$1400.00 FM and \$600 AM) are correct.

Sincerely,

HARRISON BROADCASTING CORPORATION



W.J. Wheeler
President

RECEIVED
SEP 21 10 19 AM '97
FCC
FEES SECTION

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709238835247003	HARRISON BROADCASTING CORPORAT	FCC2028293	09/19/97
	PO BOX 430		
	1111 RADIO AVENUE		
	HARRISON AR 72601		

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
\$2,150.00	\$2,150.00	6	MUB7	1	KA74784	HARRISON BROADCASTING CORPORAT	72601		\$25.00	1	PMT
\$2,150.00	\$2,150.00	1	MGH7	1	KHOZ	HARRISON BROADCASTING CORPORAT	72601		\$600.00	1	PMT
\$2,150.00	\$2,150.00	2	MGD7	1	KHOZFM	HARRISON BROADCASTING CORPORAT	72601		\$1,400.00	1	PMT
\$2,150.00	\$2,150.00	8	MUB7	1	KPM530	HARRISON BROADCASTING CORPORAT	72601		\$25.00	1	PMT
\$2,150.00	\$2,150.00	4	MUB7	1	WMV359	HARRISON BROADCASTING CORPORAT	72601		\$25.00	1	PMT
\$2,150.00	\$2,150.00	7	MUB7	1	WQB252	HARRISON BROADCASTING CORPORAT	72601		\$25.00	1	PMT
\$2,150.00	\$2,150.00	5	MUB7	1	WQB253	HARRISON BROADCASTING CORPORAT	72601		\$25.00	1	PMT
\$2,150.00	\$2,150.00	3	MUB7	1	WSJ88	HARRISON BROADCASTING CORPORAT	72601		\$25.00	1	PMT
Total	8								\$2,150.00		

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

RECEIVED

August 19, 1998

OCT - 8 1998

OFFICE OF
MANAGING DIRECTOR

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Paul Hemmer
President/General Manager
Hemmer Broadcasting Co.
2115 John F. Kennedy Road
Dubuque, IA 52002

Re: 1998 Regulatory Fee

Dear Mr. Hemmer:

This is response to your letter dated March 28, 1998, protesting the proposed Fiscal Year (FY) 1998 Regulatory Fees. You assert that the FY 1997 regulatory fee created a severe financial drain on KGRR's finances, and you protest the "proposed increase" in regulatory fees. You ask that KGRR's FY 1998 regulatory fee be reduced to that of a station serving a market with a population of between 50,000 and 125,000 people.

Please be advised that your protest is based on an apparent misunderstanding of the FY 1998 fee structure. In FY 1998, in response to concerns expressed by members of the broadcast industry, we are reducing the coverage area for determining the regulatory fees for all broadcast stations from their day time protected contours, used in FY 1997, to their city grade contours. Thus, KGRR's FY 1998 regulatory fee will be \$800, based on a coverage area encompassing 87,799 people.

I hope that this explanation is responsive to your concerns. If you have any questions concerning the regulatory fees, please call the Chief, Fee Section at (202) 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

Jenna



March 28, 1998
Magalie Roman Salas
Secretary
FCC
1919 M Street, NW
Room 222
Washington, D.C. 20554

Re: Proposed 1998 Annual Regulatory Fees

Ms. Salas,

I am writing in protest of the **Proposed 1998 Annual Regulatory Fees**. As a **Class C-3** station licensed to the community of Epworth, Iowa I found the fee of \$1,200 a **severe** financial drain last year. Adding \$300 more to this amount in 1998 seems capricious, ludicrous and without rationale.

The actual market area served by KGRR is no more than 90,000 persons. There is only one major city (Dubuque - population 60,000) within our coverage area. All other communities are little more than villages or communities of several thousand people. In fact, the nearest city of size is Dyersville, which is served by its own radio station.

As for the classification rankings: there is a huge gap between a station serving 125,000 persons and one serving 400,000. To be charged at the same rate as a station serving a population base of more than 4 times our actual market size seems ludicrous.

KGRR's annual revenue declined by almost \$50,000 last year. Merger's in the market have already had a negative impact on sales, which are down more than 25% in the first quarter of this year.

I believe our Annual Regulatory Fee should be decreased to the 50,000--125,000 category to more accurately reflect the market area served by KGRR.

Sincerely,

Paul Hemmer
President/General Manager
Hemmer Broadcasting Co

APR 3 3 33 PM '98
FCC
FEEs SEC

9607188195895001

Holly

DAVID TILLOTSON
Attorney at Law

3421 M Street, N.W., #1739
Washington, D.C. 20007

Telephone: (202) 625-6241
Facsimile: (202) 965-2018

January 9, 1998

WAIVER

Rec'd
Jan 17 1998
11/4/98

Mr. Andrew Fishel, Managing Director
Federal Communications Commission
1919 M Street, N.W., Room 852
Washington, DC 20554

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Request for Filing Fee Refund -BPH-960716MD

Dear Mr. Fishel:

I am writing on behalf of Eugene Hill and Joy D. Hill to request a refund of the \$2,335.00 filing fee that they paid in connection with their above-referenced application for a new FM station to operate on Channel 296C3 at Shasta Lake City, California. A copy of the FCC Remittance Advice by which this fee was charged to the credit card of Eugene Hill is attached hereto.

The Commission charges filing fees for applications for new broadcast facilities to defray its costs of processing applications. Because of the freeze on processing mutually exclusive applications which has been in effect as a consequence of the decision of the United States Court of Appeals in *Bechtel v. FCC*, 957 F. 2d 929 (D.C. Cir. 1992), the Hills' application has never received any processing. Moreover, at the time the Hills filed they application, they did so in response to a window filing notice which stated that the Shasta Lake City channel would be awarded by comparative hearing. However, pursuant to amendments to the Communications Act which were enacted as part of the Balanced Budget Act of 1997, the Commission is no longer authorized to award new broadcast channels by comparative hearing, but instead, is required to award them by auction. In light of this change in the procedures by which the Shasta Lake City channel is to be awarded, the Hills have entered into a global settlement with the other applicants for the channel pursuant to which they have agreed to dismiss their application in consideration of receiving a monetary payment. A Joint Petition for approval of this Global Settlement was filed with the Commission on December 15, 1997.

As the Hills' application has received no processing, and will not receive any processing as the Hills have requested dismissal of their application, there is no basis for the Commission to retain

Received June '0
TD

the Hills' filing fee which was paid to defray the costs of the processing that their application never received. It is particularly appropriate that the Commission should refund the Hills' filing fee since the Hills's decision to withdraw their application resulted from a fundamental change in the methodology that the Commission will use to award the Shasta Lake City that was made long after their application was filed. In these circumstances, it would be fair to say that the fee was collected from them under false pretenses. Accordingly, it is requested that the Hills' \$2,335.00 filing fee for their Shasta Lake City FM application be promptly refunded.

If you have any questions concerning this request, please call me.

Sincerely,



David Tillotson

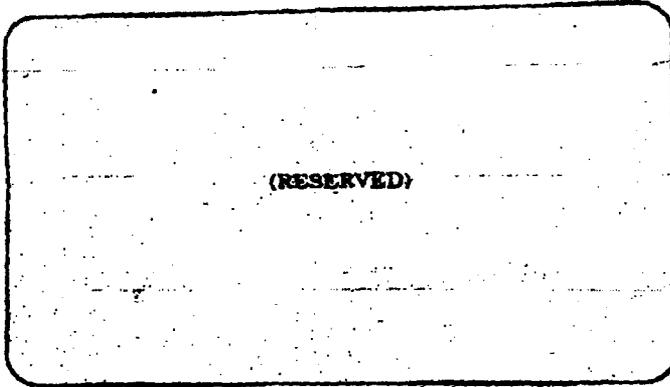
c: Gene Hill

7-11-1996 5:27PM FROM

FEDERAL COMMUNICATIONS COMMISSION
FCC REMITTANCE ADVICE

Approved by O
3060-0589
Expires 2/28

PAGE NO. 1 OF



(RESERVED)

SPECIAL USE

FCC USE ONLY

(Read instructions carefully BEFORE proceeding.)

PAYOR INFORMATION

(1) FCC ACCOUNT NUMBER	Did you have a number prior to this? Enter it.	(2) TOTAL AMOUNT PAID (dollars and cents)
9 1 6 2 2 2 0 3 4 5		\$ 2,335.00

(3) PAYOR NAME (If paying by credit card, enter name exactly as it appears on your card)

EUGENE L. HILL

(4) STREET ADDRESS LINE NO. 1

4610 SARATOGA DRIVE

(5) STREET ADDRESS LINE NO. 2

(6) CITY

REDDING

(7) STATE

CA

(8) ZIP CODE

96002

(9) DAYTIME TELEPHONE NUMBER (Include area code)

(916) 222-0345

(10) COUNTRY CODE (if not U.S.A.)

ITEM #1 INFORMATION

(11A) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR			FCC USE ONLY	
Eugene L. and Joy D. Hill				
(12A) FCC CALL SIGN/OTHER ID	(13A) ZIP CODE	(14A) PAYMENT TYPE CODE	(15A) QUANTITY	(16A) FEE DUE PAYMENT TYPE IN BLOCK 14
New	96002	M T R	1	\$ 2,335.
(17A) FCC CODE 1	(18A) FCC CODE 2			

(19A) ADDRESS LINE NO. 1	(20A) ADDRESS LINE NO. 2	(21A) CITY/STATE OR COUNTRY CODE
4610 Saratoga Drive		Redding, CA

ITEM #2 INFORMATION

(11B) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR			FCC USE ONLY	
(12B) FCC CALL SIGN/OTHER ID	(13B) ZIP CODE	(14B) PAYMENT TYPE CODE	(15B) QUANTITY	(16B) FEE DUE PAYMENT TYPE IN BLOCK 14
				\$
(17B) FCC CODE 1	(18B) FCC CODE 2			
(19B) ADDRESS LINE NO. 1	(20B) ADDRESS LINE NO. 2	(21B) CITY/STATE OR COUNTRY CODE		

CREDIT CARD PAYMENT INFORMATION

(22) MASTERCARD/VISA ACCOUNT NUMBER:

Mastercard 4128003153011732 EXPIRATION DATE: 11 / 96

Month Year

AUTHORIZED SIGNATURE _____ DATE 11/11/96

BY: FEE CONTROL NUMBER

Fee Control
Number

Payor
Name

Account
Number

Received
Date

9607188195895001

HILL, EUGENE L
4610 SARATOGA DRIVE

9162220345

07/16/96

REDDING CA 96002

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
\$2,335.00	\$2,335.00	1	MTR	1	NEW	HILL, EUGENE L:HILL, JOY D	96002		\$2,335.00	2	PMT
Total		1							\$2,335.00		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

August 5, 1998

OFFICE OF
MANAGING DIRECTOR

David Tillotson, Esquire
3421 M Street, N.W.
Suite 1739
Washington, D.C. 20007

Re: Eugene and Joy D. Hill
New FM Station
Shasta Lake City, California
Fee Control # 9607188195895001

Dear Mr. Tillotson:

This will respond to your request for refund of the \$2,335.00 filing fee submitted on behalf of Eugene and Joy D. Hill ("Hills") in connection with their application for a new FM station on Channel 296C3 at Shasta Lake City, California.

You maintain that the Hills are entitled to a refund of their filing fee because Section 3002 of the Balanced Budget Amendment of 1997 mandated that broadcast licenses be awarded in accordance with a competitive bidding scheme, because mutually exclusive broadcast licenses are subject to a freeze, and because the Hills have entered into a settlement agreement under which they have agreed to dismiss their application.

Section 3002, codified as 47 U.S.C. § 309(1), authorizes the Commission to auction "initial licenses or construction permits for commercial radio or television stations that were filed with the Commission before July 1, 1997" The Commission initiated a rulemaking proceeding to implement its general auction authority under 47 U.S.C. § 309(j), and specifically solicited comment on its proposal to implement Section 3002, 47 U.S.C. § 309(1), by using a competitive bidding scheme to decide all pending broadcast applications. See Notice of Proposed Rulemaking: Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 12 FCC Rcd 22363, 22369-70 (1997).

In view of its proposal not to conduct hearings with respect to pending broadcast applications, the Commission also proposed to refund the hearing as well as the filing fees of any applicant that ultimately chooses not to participate in the auction and makes a refund request. Specifically, the Commission stated, "All such refunds would be paid once the grant of the construction permit to the winning bidder is final and the license has been

Mr. Tillotson
Page 2

paid for in full." Id. At this juncture, however, the Commission merely has proposed to use auctions to resolve pending applications for new broadcast stations. Under the circumstances, given that the rulemaking is pending and that there is no final Commission decision with respect to pending broadcast applications and/or refunds, your refund request is premature.

Accordingly, at this time, your request is being denied without prejudice. In the event the Commission determines filing fee refunds are appropriate, you may refile your request in accordance with the Commission's decision.

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

Sincerely,



Mark Reger
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

June 22, 1998

OFFICE OF
MANAGING DIRECTOR

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Michael S. Wroblewski, Esquire
Latham & Watkins
1001 Pennsylvania Avenue, N.W.
Suite 1300
Washington, D.C. 20004-2505

RE: Fee Control # 9701028115429001

Dear Mr. Wroblewski:

This is in response to your request, filed on behalf of IMPSAT USA, Inc. (IMPSAT), for waiver and refund of the filing fee submitted with its application for renewal of its Special Temporary Authority (STA) to operate as an international resale carrier pursuant to Section 214 of the Communications Act, as amended.

You state that, on August 14, 1995, IMPSAT filed an application to operate as an international resale carrier and to resell international resale telecommunications services between the United States and various international points. Further, on July 1, 1996, the Commission granted IMPSAT an initial grant of Special Temporary Authority to operate as an international resale carrier. You state that IMPSAT has been operating pursuant to that STA, but was recently informed that it should seek an extension of the STA because the staff had been unable to prepare a final order regarding its international resale application.

You contend that refund of the fee covering IMPSAT's second STA request is warranted because IMPSAT has submitted fees with both its application for operational authority and its initial STA request. Moreover, you state that, through no fault of its own, seventeen months have passed since IMPSAT filed its application and that this delay in the processing of its application should not compel payment of a third fee in connection with the same application.

The Commission may waive filing fees only upon a showing of good cause and a finding that the public interest will be served thereby. See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 947, 961 (1987); see also 47 C.F.R. §§ 1.1111(a)(5) and 1.1115. In the instant case, IMPSAT has commenced commercial operations pursuant to the temporary authority the Commission has provided, but has been precluded from obtaining full operational authority, or at least final resolution of the issues it has presented, due to the

Michael S. Wroblewski, Esquire

2.

continuing pendency of its application. Thus, we have determined that IMPSAT has demonstrated good cause for waiver of the filing fee.

Accordingly, your request for waiver and refund of the application fee in the above designated matter is granted. A check, made payable to the maker of the original check and drawn in the amount of \$745.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 418-1995.

Sincerely,



Thomas M. Holleran
Acting Associate Managing
Director - Financial Operations

Holly

4701038115429001

LATHAM & WATKINS

ATTORNEYS AT LAW

1001 PENNSYLVANIA AVE., N.W., SUITE 1300

WASHINGTON, D.C. 20004-2505

TELEPHONE (202) 637-2200

FAX (202) 637-2201

TLX 590775

ELN 62793269

PAUL R. WATKINS (1899-1973)
DANA LATHAM (1898-1974)

CHICAGO OFFICE

SEARS TOWER, SUITE 5800
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 876-7700
FAX (312) 993-9767

LONDON OFFICE

ONE ANGEL COURT
LONDON EC2R 7HJ ENGLAND
TELEPHONE + 44-171-374 4444
FAX + 44-171-374 4460

LOS ANGELES OFFICE

633 WEST FIFTH STREET, SUITE 4000
LOS ANGELES, CALIFORNIA 90071-2007
TELEPHONE (213) 485-1234
FAX (213) 891-8763

MOSCOW OFFICE

113/1 LENINSKY PROSPECT, SUITE C200
MOSCOW 117198 RUSSIA
TELEPHONE + 7-503 956-5555
FAX + 7-503 956-5556

NEW JERSEY OFFICE
ONE NEWARK CENTER
NEWARK, NEW JERSEY 07101-3174
TELEPHONE (201) 639-1234
FAX (201) 639-7298

NEW YORK OFFICE
885 THIRD AVENUE, SUITE 1000
NEW YORK, NEW YORK 10022-4802
TELEPHONE (212) 906-1200
FAX (212) 751-4864

ORANGE COUNTY OFFICE
650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CALIFORNIA 92626-1925
TELEPHONE (714) 540-1235
FAX (714) 755-8290

SAN DIEGO OFFICE
701 "B" STREET, SUITE 2100
SAN DIEGO, CALIFORNIA 92101-8197
TELEPHONE (619) 236-1234
FAX (619) 696-7419

SAN FRANCISCO OFFICE
505 MONTGOMERY STREET, SUITE 1900
SAN FRANCISCO, CALIFORNIA 94111-2562
TELEPHONE (415) 391-0600
FAX (415) 395-8095

December 30, 1996

BY HAND DELIVERY

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
1919 M Street, N.W., Room 852
Washington, DC 20554

Re: Waiver of Filing Fees for Extension of IMPSAT USA, Inc.'s Section
214 Special Temporary Authority to Operate as an International Resale
Carrier

Dear Mr. Fishel:

Pursuant to Section 1.3 of the Commission's Rules, IMPSAT USA, Inc. ("Impsat") hereby requests a waiver of the filing fee to extend its Special Temporary Authority to operate as an international resale carrier pursuant to Section 214 of the Communications Act of 1934, as amended. The Commission has the authority to waive filing fees where it is in the public interest to do so. 47 U.S.C. § 158(d)(2). Impsat demonstrates below that it is in the public interest, and required by principles of fundamental fairness, for the Commission to refund the \$745 filing fee required by Section 1.1107 of the Commission's rules that Impsat submitted with its application filed in Pittsburgh simultaneous herewith. 47 C.F.R. § 1.1107.

On August 14, 1995, Impsat filed with the Commission an application to operate as an international resale carrier and to resell international telecommunications services, including voice, data and facsimile services, between the United States and various international points. On September 19, 1995, the Commission granted Impsat's application to operate as a facilities-based provider of international services. See In the Matter of

Mr. Andrew S. Fishel
December 30, 1996
Page 2

IMPSAT USA, Inc., File No. ITC-95-434, DA 95-192 (September 19, 1995). AT&T filed a petition requesting that the Commission reconsider Impsat's applications. The crux of both of AT&T's petitions was that Societa Finanziaria Telefonica PA's ("STET") 25 percent capital investment in the Company's parent, IMPSAT Corporation, requires the Commission to deny Impsat's applications.

Since AT&T filed its petitions, the Commission has adopted a new regulatory scheme governing the entry of foreign carriers into the U. S. market for international telecommunications services. The new regulatory scheme establishes entry criteria that the Commission believes is necessary to provide effective competition in the U.S. market for these services (the "effective competitive opportunities test".)

The new policy involves an examination of whether effective competitive opportunities exist for U.S. carriers in markets where the foreign carrier seeking to enter the U.S. international services market has, through affiliation with a new or existing U.S. carrier, market power. A foreign carrier is affiliated with a U.S. carrier if it has an ownership interest of over 25 percent of the Company's capital stock, or a controlling interest at any level. These new rules became effective on January 29, 1996.

STET's 25 percent investment in IMPSAT Corporation is below the threshold the Commission has adopted to determine whether to apply its effective competitive opportunities test. As a result, the Commission's effective competitive opportunities test should not apply to Impsat.

The Commission recognized this when it granted Impsat Special Temporary Authority to operate as an international resale carrier on July 1, 1996. At that time, it was contemplated that the Commission would issue a final order regarding Impsat's resale application within six months, the duration of the STA the Commission granted to Impsat. Impsat has been offering services pursuant to the STA for the last several months now pursuant to the STA. Impsat was recently informed by Commission staff that it should seek an extension of its STA because in light of the press of business, it had been unable to issue a final order regarding Impsat's resale application. The staff indicated that it would attempt to issue a final order by January 31, 1997.

Impsat believes that fundamental fairness requires the Commission to waive the filing fee to extend Impsat's STA so that it may continue to offer international resale services. Not only did Impsat submit a filing fee for its original resale application, it submitted one for the STA, which was granted on July 1, 1996. It would be against the public interest to require Impsat to file yet a third fee to continue to offer its international resale services. Moreover, it has now been almost 17 months since Impsat filed its original

Mr. Andrew S. Fishel
December 30, 1996
Page 3

resale application and the Commission had informed Impsat in July, when its first STA was granted that the Commission would issue a final order during the six-month time period of the STA. Because this did not occur through no fault of Impsat, Impsat should not have to pay another filing fee.

For these reasons, Impsat respectfully requests that the Commission waive its filing fee requirement for Impsat's application to extend its Special Temporary Authority to operate as an international resale carrier pursuant to Section 214 of the Communications Act.

Thank you for your prompt consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael S. Wroblewski". The signature is fluid and cursive, with a prominent initial "M" and a long, sweeping tail.

Michael S. Wroblewski

LATHAM & WATKINS

1001 PENNSYLVANIA AVE., N.W. SUITE 1300
WASHINGTON, D.C. 20004

CITIBANK, F.S.B.
P.O. BOX 18967
WASHINGTON, D.C. 20036-0967

15-7011/2540
313099

DATE

AMOUNT

12/30/96 *****\$745.00

PAY TO THE ORDER OF
SEVEN HUNDRED FORTY-FIVE AND NO/100 DOLLARS
FEDERAL COMMUNICATIONS COMMISSION

LATHAM & WATKINS

Maureen P. McNamara
AUTHORIZED SIGNATURE

⑈313099⑈ ⑆254070116⑆ ⑈6042 3242⑈

FCC REMITTANCE ADVISE

Approved by DMB
2060-0589
Expires 2/28/97

PAGE NO. 1 OF

(RESERVED)

SPECIAL USE

FCC USE ONLY

(Read instructions carefully BEFORE proceeding.)

PAYOR INFORMATION

1) FCC ACCOUNT NUMBER 5 5 - 0 6 0 0 5 6 9	Did you have a number prior to this? Enter it.	(2) TOTAL AMOUNT PAID (dollars and cents) \$ 745 . 00
--	--	--

3) PAYOR NAME (If paying by credit card, enter name exactly as it appears on your card)

IMPSAT USA, Inc.

4) STREET ADDRESS LINE NO. 1

One Financial Plaza, Suite 2500

5) STREET ADDRESS LINE NO. 2

6) CITY Ft. Lauderdale	(7) STATE FL	(8) ZIP CODE 33394
9) DAYTIME TELEPHONE NUMBER (Include area code) 954-779-7171	(10) COUNTRY CODE (if not U.S.A.)	

ITEM #1 INFORMATION

11A) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR IMPSAT USA, Inc.			FCC USE ONLY		
12A) FCC CALL SIGN/OTHER ID ITC-95-485	(13A) ZIP CODE 33394	(14A) PAYMENT TYPE CODE C U T	(15A) QUANTITY 1	(16A) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14 \$ 745.00	
17A) FCC CODE 1		18A) FCC CODE 2			
19A) ADDRESS LINE NO. 1 One Financial Plaza, #2500	(20A) ADDRESS LINE NO. 2		(21A) CITY/STATE OR COUNTRY CODE Ft. Lauderdale, FL		

ITEM #2 INFORMATION

11B) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR			FCC USE ONLY		
12B) FCC CALL SIGN/OTHER ID	(13B) ZIP CODE	(14B) PAYMENT TYPE CODE	(15B) QUANTITY	(16B) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14 \$	
17B) FCC CODE 1		18B) FCC CODE 2			
19B) ADDRESS LINE NO. 1	(20B) ADDRESS LINE NO. 2		(21B) CITY/STATE OR COUNTRY CODE		

CREDIT CARD PAYMENT INFORMATION

22) MASTERCARD/VISA ACCOUNT NUMBER:

Mastercard Visa

EXPIRATION DATE: /

Month Year

23) I hereby authorize the FCC to charge my VISA or Mastercard for the service(s)/authorization(s) herein describe.

AUTHORIZED SIGNATURE DATE

See public burden estimate on reverse.

LATHAM & WATKINS

ATTORNEYS AT LAW

1001 PENNSYLVANIA AVE., N.W.
SUITE 1300
WASHINGTON, D.C. 20004-2505
TELEPHONE (202) 637-2200
FAX (202) 637-2201

PAUL R. WATKINS (1800-1073)
DANA LATHAM (1800-1074)

CHICAGO OFFICE

SEARS TOWER, SUITE 5800
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 876-7700
FAX (312) 993-9767

LONDON OFFICE

ONE ANGEL COURT
LONDON EC2R 7HU ENGLAND
TELEPHONE + 44-171-374 4444
FAX + 44-171-374 4460

LOS ANGELES OFFICE

633 WEST FIFTH STREET, SUITE 4000
LOS ANGELES, CALIFORNIA 90071-2007
TELEPHONE (213) 485-1234
FAX (213) 891-8763

MOSCOW OFFICE

113/1 LENINSKY PROSPECT, SUITE C200
MOSCOW, RUSSIA 117106
TELEPHONE + 7-503 956-5555
FAX + 7-503 956-5556

NEW JERSEY OFFICE

ONE NEWARK CENTER
NEWARK, NEW JERSEY 07101-3174
TELEPHONE (201) 639-1234
FAX (201) 639-7298

NEW YORK OFFICE

885 THIRD AVENUE, SUITE 1000
NEW YORK, NEW YORK 10022-4602
TELEPHONE (212) 906-1200
FAX (212) 751-4864

ORANGE COUNTY OFFICE

650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CALIFORNIA 92626-1925
TELEPHONE (714) 540-1235
FAX (714) 755-8290

SAN DIEGO OFFICE

701 "B" STREET, SUITE 2100
SAN DIEGO, CALIFORNIA 92101-8197
TELEPHONE (619) 236-1234
FAX (619) 696-7419

SAN FRANCISCO OFFICE

505 MONTGOMERY STREET, SUITE 1900
SAN FRANCISCO, CALIFORNIA 94111-2562
TELEPHONE (415) 391-0600
FAX (415) 395-8095

December 30, 1996

BY HAND DELIVERY

Federal Communications Commission
International Common Carrier Bureau
P.O. Box 358115
Pittsburgh, PA 15251-5115

Re: IMPSAT USA, Inc. Request for an Extension of its Special Temporary Authority to Operate as an International Resale Carrier

Ladies & Gentlemen:

Enclosed on behalf of IMPSAT USA, Inc. ("IMPSAT") is an original and six copies of a request for an Extension of its Special Temporary Authority to operate as an international resale carrier for six months or until such time as IMPSAT's permanent Application to Operate as an International Resale Carrier (FCC File No. ITC-95-485) is granted, whichever occurs first. Also enclosed is a certification signed by Richard Horner, President of IMPSAT, an FCC Remittance Form 159, and a check made payable to the Federal Communications Commission for \$745.00 to cover the requisite filing fee.

In the event that there are questions related to this filing, please call me at (202) 637-2147, or Andrew Peternell, a legal assistant in this office, at (202) 637-2206.

Sincerely,



Michael S. Wroblewski
of LATHAM & WATKINS

Enclosures

LATHAM & WATKINS

ATTORNEYS AT LAW

1001 PENNSYLVANIA AVE., N.W.

SUITE 1300

WASHINGTON, D.C. 20004-2505

TELEPHONE (202) 637-2200

FAX (202) 637-2201

PAUL R. WATKINS (1800-1073)
DANA LATHAM (1800-1074)

CHICAGO OFFICE

SEARS TOWER, SUITE 5600
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 876-7700
FAX (312) 993-9767

LONDON OFFICE

ONE ANGEL COURT
LONDON EC2R 7HJ ENGLAND
TELEPHONE + 44-171-374 4444
FAX + 44-171-374 4460

LOS ANGELES OFFICE

633 WEST FIFTH STREET, SUITE 4000
LOS ANGELES, CALIFORNIA 90071-2007
TELEPHONE (213) 4485-1234
FAX (213) 691-8763

MOSCOW OFFICE

113/1 LENINSKY PROSPECT, SUITE C200
MOSCOW, RUSSIA 117198
TELEPHONE + 7-503 956-5555
FAX + 7-503 956-5556

NEW JERSEY OFFICE

ONE NEWARK CENTER
NEWARK, NEW JERSEY 07101-3174
TELEPHONE (201) 639-1234
FAX (201) 639-7298

NEW YORK OFFICE

885 THIRD AVENUE, SUITE 1000
NEW YORK, NEW YORK 10022-4802
TELEPHONE (212) 906-1200
FAX (212) 751-4864

ORANGE COUNTY OFFICE

650 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CALIFORNIA 92626-1925
TELEPHONE (714) 540-1235
FAX (714) 755-8290

SAN DIEGO OFFICE

701 'B' STREET, SUITE 2100
SAN DIEGO, CALIFORNIA 92101-8197
TELEPHONE (619) 236-1234
FAX (619) 696-7410

SAN FRANCISCO OFFICE

505 MONTGOMERY STREET, SUITE 1900
SAN FRANCISCO, CALIFORNIA 94111-2562
TELEPHONE (415) 391-0600
FAX (415) 395-6095

December 27, 1996

Federal Communications Commission
International Common Carrier Bureau
P.O. Box 358115
Pittsburgh, PA 15251-5115

Re: IMPSAT USA, Inc. Request for an Extension of its Special Temporary Authority to Operate as an International Resale Carrier

Ladies and Gentlemen:

IMPSAT USA, Inc. ("IMPSAT") hereby requests Special Temporary Authority (STA), pursuant to Section 63.04 of the Commission's Rules, to resell international telecommunications services, including voice, data and facsimile services, between the United States and international points, pursuant to Section 214 of the Communications Act of 1934, as amended. The STA will allow IMPSAT to continue operations while the Commission considers IMPSAT's permanent Application to Operate as an International Resale Carrier (FCC File No. ITC-95-485), which was submitted on August 14, 1995. IMPSAT previously was granted orally an STA on July 1, 1996. IMPSAT requests that this STA be granted for six months or until the above-referenced application is granted, whichever occurs first. IMPSAT already has been granted authority to operate as a facilities-based international carrier. See Order, FCC DA 95-1962 (Chief, Telecommunications Division), released September 19, 1995.

A grant of this request will further the Commission's policy of serving the public interest by providing increased competition in foreign markets and placing competitive downward pressure on foreign collection rates, benefiting the U.S. consumer and industries located within the U.S. and abroad. See, e.g., FCC Order 95-244, adopted June 13, 1995; Regulation of International Accounting Rates (International Resale Policy), 7 FCC Rcd 7927 (1992).

LATHAM & WATKINS

Federal Communications Commission
December 27, 1996
Page Two

In support of this request, IMPSAT has attached its previously submitted Application to Operate as an International Resale Carrier. Also enclosed are an FCC fee remittance form (FCC Form 159), a check payable to the Federal Communications Commission in the amount of \$705.00 and a Certification signed by Richard Horner, President of IMPSAT USA, Inc.

Pursuant to Section 1.2002 of the Commission's Rules, IMPSAT certifies that neither it nor any party to this application is subject to a denial of any federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

IMPSAT respectfully requests that this STA be granted as expeditiously as possible to allow IMPSAT to begin serving the public interest.

Respectfully submitted,
IMPSAT USA, Inc.

By: Michael S. Wroblewski
Michael S. Wroblewski
LATHAM & WATKINS
1001 Pennsylvania Ave., NW, Suite 1300
(202) 637-2200
Washington, D.C. 20004
Counsel for IMPSAT USA, Inc.

Enclosures

cc: Frances G. Eisenstein

CERTIFICATION

Pursuant to Section 1.6 of the Commission's Rules, Richard Horner hereby declares as follows under penalty of perjury:

1. I am Director and President of IMPSAT USA, Inc.
2. I have read the foregoing Request for Special Temporary Authority (STA), which I understand is to be submitted to the Federal Communications Commission on behalf of IMPSAT USA, Inc.
3. The facts and information set forth in the STA are true and correct to the best of my knowledge and belief.

Executed on December 27, 1996.


Richard Horner
President and Director
IMPSAT USA, Inc.

FCC MELLON JUN 25 1996

LATHAM & WATKINS

ATTORNEYS AT LAW

1001 PENNSYLVANIA AVE., N.W.

SUITE 1300

WASHINGTON, D.C. 20004-2505

TELEPHONE (202) 637-2200

FAX (202) 637-2201

PAUL R. WATKINS (1800-1073)
DANA LATHAM (1800-1074)

CHICAGO OFFICE

SEARS TOWER, SUITE 6800
CHICAGO, ILLINOIS 60606
TELEPHONE (312) 876-7700
FAX (312) 993-9767

LONDON OFFICE

ONE ANGEL COURT
LONDON EC2R 7HU ENGLAND
TELEPHONE + 44-171-374 4444
FAX + 44-171-374 4400

LOS ANGELES OFFICE

633 WEST FIFTH STREET, SUITE 4000
LOS ANGELES, CALIFORNIA 90071-2007
TELEPHONE (213) 4466-1234
FAX (213) 691-8763

MOSCOW OFFICE

113/1 LENINSKY PROSPECT, SUITE C200
MOSCOW, RUSSIA 117198
TELEPHONE + 7-803 956-8888
FAX + 7-803 956-8888

NEW JERSEY OFFICE

ONE NEWARK CENTER
NEWARK, NEW JERSEY 07101-3174
TELEPHONE (201) 639-1234
FAX (201) 639-7298

NEW YORK OFFICE

688 THIRD AVENUE, SUITE 1000
NEW YORK, NEW YORK 10022-4602
TELEPHONE (212) 906-1200
FAX (212) 751-4664

ORANGE COUNTY OFFICE

690 TOWN CENTER DRIVE, SUITE 2000
COSTA MESA, CALIFORNIA 92626-1929
TELEPHONE (714) 840-1234
FAX (714) 755-6290

SAN DIEGO OFFICE

701 'B' STREET, SUITE 2100
SAN DIEGO, CALIFORNIA 92101-6167
TELEPHONE (619) 236-1234
FAX (619) 696-7419

SAN FRANCISCO OFFICE

508 MONTGOMERY STREET, SUITE 1600
SAN FRANCISCO, CALIFORNIA 94111-2562
TELEPHONE (415) 391-0600
FAX (415) 395-8095

June 21, 1996

Federal Communications Commission
International Common Carrier Bureau
P.O. Box 358115
Pittsburgh, PA 15251-5115

Re: IMPSAT USA, Inc. Request for Special Temporary Authority to Operate as an International Resale Carrier

Ladies and Gentlemen:

IMPSAT USA, Inc. ("IMPSAT") hereby requests Special Temporary Authority (STA), pursuant to Section 63.04 of the Commission's Rules, to resell international telecommunications services, including voice, data and facsimile services, between the United States and international points, pursuant to Section 214 of the Communications Act of 1934, as amended. The STA will allow IMPSAT to begin operation while the Commission considers IMPSAT's permanent Application to Operate as an International Resale Carrier (FCC File No. ITC-95-485), which was submitted on August 14, 1995. IMPSAT requests that this STA be granted for six months or until the above-referenced application is granted, whichever occurs first. IMPSAT already has been granted authority to operate as a facilities-based international carrier. See Order, FCC DA 95-1962 (Chief, Telecommunications Division), released September 19, 1995.

A grant of this request will further the Commission's policy of serving the public interest by providing increased competition in foreign markets and placing competitive downward pressure on foreign collection rates, benefiting the U.S. consumer and industries located within the U.S. and abroad. See, e.g., FCC Order 95-244, adopted June 13, 1995; Regulation of International Accounting Rates (International Resale Policy), 7 FCC Rcd 7927 (1992).

Federal Communications Commission
June 21, 1996
Page Two

In support of this request, IMPSAT has attached its previously submitted Application to Operate as an International Resale Carrier. Also enclosed are an FCC fee remittance form (FCC Form 159), a check payable to the Federal Communications Commission in the amount of \$705.00 and a Certification signed by Richard Horner, President of IMPSAT USA, Inc.

Pursuant to Section 1.2002 of the Commission's Rules, IMPSAT certifies that neither it nor any party to this application is subject to a denial of any federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

IMPSAT respectfully requests that this STA be granted as expeditiously as possible to allow IMPSAT to begin serving the public interest.

Respectfully submitted,
IMPSAT USA, Inc.

By: Michael S. Wroblewski
Michael S. Wroblewski
LATHAM & WATKINS
1001 Pennsylvania Ave., NW, Suite 1300
(202) 637-2200
Washington, D.C. 20004
Counsel for IMPSAT USA, Inc.

Enclosures

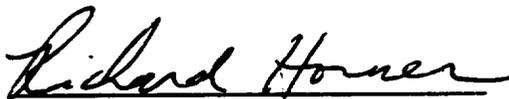
cc: Frances G. Eisenstein

CERTIFICATION

Pursuant to Section 1.6 of the Commission's Rules, Richard Horner hereby declares as follows under penalty of perjury:

1. I am Director and President of IMPSAT USA, Inc.
2. I have read the foregoing Request for Special Temporary Authority (STA), which I understand is to be submitted to the Federal Communications Commission on behalf of IMPSAT USA, Inc.
3. The facts and information set forth in the STA are true and correct to the best of my knowledge and belief.

Executed on June 21, 1996.


Richard Horner
President and Director
IMPSAT USA, Inc.

HAIGH., GARDNER, POOR & HAVENS

1300 I Street N.W. · Washington, D.C. 20005 · (202) 962-3880

COPY

Dennis James Burnett

August 14, 1995

VIA FEDERAL EXPRESS

Federal Communications Commission
Common Carrier International
P.O. Box 358115
Pittsburgh, PA 15251-5115

Re: Application of IMPSAT USA, Inc. for Authorization Pursuant to Section 214 of the Communications Act of 1934, as Amended, to Operate as an International Resale Carrier

Dear Sir or Madam:

Enclosed for filing with the Commission are an original and six (6) copies of the application of IMPSAT USA, Incorporated for Section 214 authority to resell telecommunications services of other carriers between the United States and various international points.

A check in the amount of \$705, payable to the FCC, is enclosed for the requisite filing fee. Please date-stamp the extra copy of this application and return it in the enclosed self-addressed, stamped envelope. Any questions regarding this application should be addressed to the undersigned.

Respectfully submitted,

HAIGHT, GARDNER, POOR & HAVENS



Dennis James Burnett
David L. Lihani

Enclosures

COPY

Facsimile (202) 962-3885 · Telex 892598 HGPH WSH

New York · Houston · Washington DC · San Francisco

FEDERAL COMMUNICATIONS COMMISSION
FCC REMITTANCE ADVICE

Approved by OMB
 3060-0589
 Expires 2/28-97

PAGE NO. 1 OF 1

(RESERVED)

SPECIAL USE

FCC USE ONLY

(Read instructions carefully BEFORE proceeding.)

PAYOR INFORMATION

(1) FCC ACCOUNT NUMBER	Did you have a number prior to this? Enter it.	(2) TOTAL AMOUNT PAID (dollars and cents)
		\$ 705 . 00

(3) PAYOR NAME (If paying by credit card, enter name exactly as it appears on your card)

HAIGHT, GARDNER, POOR & HAVENS

(4) STREET ADDRESS LINE NO. 1 1300 I Street, NW		(7) STATE DC	(8) ZIP CODE 20005
(5) STREET ADDRESS LINE NO. 2 Suite 470E		(10) COUNTRY CODE (if not U.S.A.)	
(6) CITY Washington		(9) DAYTIME TELEPHONE NUMBER (Include area code) (202) 962-3880	

ITEM #1 INFORMATION

(11A) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR IMPSAT USA, Inc.			FCC USE ONLY		
(12A) FCC CALL SIGN/OTHER ID 214 Application	(13A) ZIP CODE	(14A) PAYMENT TYPE CODE C U T	(15A) QUANTITY 1	(16A) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14 \$ 705.00	
(17A) FCC CODE 1		(18A) FCC CODE 2			
(19A) ADDRESS LINE NO. 1 801 Brickell Ave.	(20A) ADDRESS LINE NO. 2 Suite 915-917	(21A) CITY/STATE OR COUNTRY CODE Miami, Florida			

ITEM #2 INFORMATION

(11B) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR			FCC USE ONLY		
(12B) FCC CALL SIGN/OTHER ID	(13B) ZIP CODE	(14B) PAYMENT TYPE CODE	(15B) QUANTITY	(16B) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14 \$	
(17B) FCC CODE 1		(18B) FCC CODE 2			
(19B) ADDRESS LINE NO. 1	(20B) ADDRESS LINE NO. 2	(21B) CITY/STATE OR COUNTRY CODE			

CREDIT CARD PAYMENT INFORMATION

(22) MASTERCARD/VISA ACCOUNT NUMBER:

Mastercard Visa

EXPIRATION DATE: /

Month Year

(23) I hereby authorize the FCC to charge my VISA or Mastercard for the service(s)/authorization(s) herein describe.

AUTHORIZED SIGNATURE _____ DATE _____

See public burden estimate on reverse.

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
IMPSAT USA, Inc.)
) File No.
Application for Authorization Pursuant)
to Section 214 of the Communications)
Act of 1934, as Amended, to Operate)
as an International Resale Carrier)

To: The International Bureau

APPLICATION OF IMPSAT USA, INC.

IMPSAT USA, Inc. ("IMPSAT") hereby applies for authority pursuant to Section 214 of the Communications Act of 1934, as amended, and Section 63.01 of the Commission's Rules to resell international telecommunications services, including voice, data and facsimile services, between the United States and international points. IMPSAT requests that this application be processed in accordance with the Commission's procedures for streamlined processing, set forth in Section 63.12 of the Commission's Rules.

A grant of this application will further the Commission's policy of serving the public interest by providing increased competition in foreign markets and placing competitive downward pressure on foreign collection rates, benefiting the U.S. consumer and industries located within the U.S. and abroad. See, e.g., FCC Order 95-244, adopted June 13, 1995; Regulation of International Accounting Rates (International Resale Policy), 7 FCC Rcd 7927 (1992).

Section 63.01 Information

In support of this request for authorization, IMPSAT sets forth the following information in response to the corresponding lettered provisions of Section 63.01 of the Commission's Rules:

- a. The name of the applicant is IMPSAT USA, Inc., and its principal place of business is One Brickell Square, 801 Brickell Avenue, Suite 915-917, Miami, Florida 33131.
- b. IMPSAT is a corporation organized under the laws of the State of Delaware. 63.04
- c. Correspondence regarding this application should be addressed to :

Richard Horner
Executive Vice President
IMPSAT USA, Inc.
One Brickell Square
801 Brickell Avenue
Suite 915-917
Miami, Florida 33131

with a copy to:

Dennis J. Burnett
Haight, Gardner, Poor & Havens
1300 I Street, N.W.
Suite 470E
Washington, D.C. 20005

- d. Upon the grant of this application, IMPSAT will become a non-dominant resale carrier subject to Section 214 of the Communications Act of 1934, as amended.
- e. IMPSAT proposes to resell international switched telecommunications services, including voice, data and facsimile services into areas where it does not currently serve, but in which IMPSAT has applied for authorization by its application, File No. I-T-C-95-434, July 21, 1995.

- f. The proposed facilities will be located between the United States and international points listed in the tariffs set forth by these U.S. facilities-based carriers: AT&T Communications (Tariff FCC Nos. 1, 2, 4, 9, 11, 12, 13), MCI Telecommunications Corp. (Tariff FCC No. 1), US Sprint Communications Corp. (Tariff FCC Nos. 1, 2, 5, 7), LDDS Metro Communications (Tariff FCC No. 1), Litel Communications, Inc. d/b/a LCI International (Tariff FCC No. 1), Cable & Wireless Communications, Inc. (Tariff FCC No. 3), and any other Commission-authorized international services provider. IMPSAT will obtain and resell the services of these carriers.
- g. IMPSAT will be a new entrant and does not have any existing international facilities.
- h. IMPSAT does not own or operate international facilities between the points for which it seeks authorization.
- i. Since IMPSAT will become a new reseller, estimates of future circuit requirements can not accurately be forecast at this time. The carriers set forth in paragraph (f) will provide the underlying service on an as-needed basis.
- j. No map identifying proposed facilities is provided because the facilities are operated by the carriers identified in paragraph (f). The routes and technical and operating details of those facilities are on record with the Commission.
- k. IMPSAT will procure international switched services from the carriers identified in paragraph (f) under the applicable terms, conditions, and rates as set forth in each carrier's respective tariff or in contracts submitted to the Commission. All rates, terms, and conditions contained in those tariffs are hereby incorporated by reference.

- l. The factors showing the public need for a grant of this application have been summarized at the outset of this application. Ultimately, consumers of international telecommunications services will benefit from increased price competition and increased availability of service selection.
- m. After the start-up period, estimated revenues are expected to exceed the costs of providing the services proposed herein.
- n. The international switched voice and data services requested herein are being furnished by other carriers, including those whose tariffs are set forth in paragraph (f). Existing facilities are inadequate in the sense that additional market entry by IMPSAT will further stimulate demand, and will provide further route and service diversity and efficiency for the benefit of the public.
- o. IMPSAT will file any necessary tariffs for the services rendered, upon grant of the requested authorization.
- p. IMPSAT will follow generally accepted accounting principles, and such other accounting methods as the Commission may specifically prescribe for the services covered by this application.
- q. No new construction constituting a "major action" under the FCC's environmental rules is contemplated.
- r. The following information is provided pursuant to Section 63.01(r) of the Commission's Rules:
 - (1) IMPSAT is not affiliated with any foreign carriers providing international services to the public.

- (2) IMPSAT is a wholly-owned subsidiary of IMPSAT Corporation, a corporation organized under the laws of the state of Delaware. Impsat Corporation has its offices at 1209 Orange Street, Wilmington, Delaware 19801. IMPSAT has no interlocking directorates with U.S. carriers except as approved pursuant to section 62.1 of the Commission's Rules, which covers holding or parent companies of a carrier.
- (3) 47 CFR § 63.01 (r)(3) is not applicable because IMPSAT has no affiliation with a foreign carrier providing international services to the public.
- (4) 47 CFR § 63.01 (r)(4) is not applicable because IMPSAT has no affiliation with the U.S. carriers identified in paragraph (f).
- (5) 47 CFR § 63.01(r)(5) is not applicable because IMPSAT is not affiliated with a foreign carrier providing international services to the public.
- (6) IMPSAT will as promptly as possible and in any event within 30 days file any necessary corrected certification as required by 47 CFR § 63.01(r)(6).
- (7) 47 CFR § 63.01(r)(7) is not applicable because IMPSAT is not affiliated with a foreign carrier providing international services to the public.

CERTIFICATION

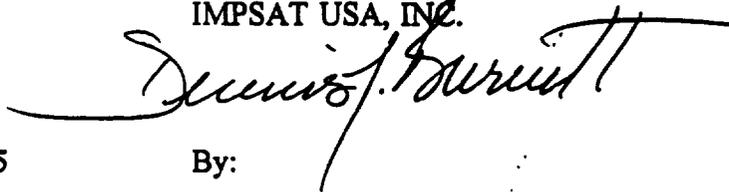
Pursuant to Section 1.2002 of the Commission's Rules, IMPSAT certifies that neither it nor any party to this application is subject to a denial of any federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862.

CONCLUSION

WHEREFORE, IMPSAT respectfully submits that the public interest, convenience and necessity will be served by the prompt grant of this application. Accordingly, IMPSAT requests that the Commission act expeditiously and favorably on this application.

Respectfully submitted,

IMPSAT USA, INC.

A handwritten signature in black ink, appearing to read "Dennis J. Burnett", written over the typed name.

Date: August 14, 1995

By:

Dennis J. Burnett

Haight, Gardner, Poor & Havens

1300 I Street, N.W., Suite 470E

Washington, D.C. 20005

(202) 962-3880

Its Attorney

Payment Transactions Detail Report

Date: 1/16/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9701028115429001	IMPSAT USA INC	650600569	12/30/96
ONE FINANCIAL PLAZA SUITE 2500			

FORT LAUDERDALE FL 33394

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
\$745.00	\$745.00	1	CUT	1	ITC95485	IMPSAT USA INC	33394		\$745.00	1	PMT
Total									<u>\$745.00</u>		

Payment Search Detail

Fee Control Number	Remittance ID	Payment Amount	Overdue Amount
8701028115428001	313059	\$745.00	\$
Payor Name			
IMPSAT USA INC			

-
-
-
-
-

Sequence Number	Quantity	Payment Type Code	Payment Amount	Treasury Code	CallSign Other id	Treasury Symbol	Date Last Changed	Changer Initials

-
-
-
-
-

4.15-0

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

JUL 14 1998

RECEIVED

OCT - 8 1998
Robert W. Healy, Esquire
Smithwick & Beland, P.C.
1990 M Street, N.W.
Washington, DC 20036
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Request for Reduction of Regulatory
Fee
IXC Carrier, Inc.
Fee Control ## 9609268835378005-11

Dear Mr. Healy:

This is in response to your request for reduction and refund of the Fiscal Year 1996 regulatory fee submitted by IXC Carrier, Inc. (IXC) for stations licensed in the Domestic Public Fixed Radio Service. Please excuse our failure to respond to your request in a more timely manner.

You contend that the FY 1996 fee for IXC's Domestic Public Fixed Radio Service operations should be reduced to the level of the fees assessed for licensees in the Operational Fixed Service (OFS), because of the similarity between the services. You state that, although there once existed clear legal and factual distinctions between these services, Congress eliminated any legal distinction between private and common carrier point-to-point microwave operations and the Commission has recognized that the services should be subject to essentially the same regulatory oversight. See 47 U.S.C. § 153(46); see also Reorganization and Revisions of Parts 1,2,21 and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services, 10 FCC 2508 (1994) (Part 101 Reorganization). You also note that the filing fees established by Congress for the services are the same and, more recently, that the Commission has adopted a single form for applications to operate in the services. See 47 U.S.C. § 158(g); see also Application for Authorization in the Microwave Services, FCC Form 415.

Our review of this matter persuades us that your petition may not be granted. In establishing its rules governing the regulatory fee program, the Commission explicitly stated that "we will accept petitions for waiver, reduction and deferment so long as they are filed no later than by the date payment is due." See Implementation of Section 9 of the Communications Act, MD Docket No. 94-19, FCC 94-140, ¶ 34, released June 8, 1994; 47 C.F.R. § 1.1166(c). IXC's waiver request did not accompany its fee payment as required by Section 1.1166(c). The September 19, 1966 cover letter attached to its fee payment, merely stated that IXC was paying the fee "under protest" and that it intended to file a

Robert W. Healy, Esquire

2.

request for "repayment" at a later time. Four months later, IXC filed its initial petition for reduction of its fee. This was followed by periodic supplements. Nothing in the rules, permits a fee payer to toll the time for filing a petition for waiver or reduction by including a statement with its fee payment that a petition for waiver or reduction will be filed later.

The Commission considers requests for waivers of fees, including requests for refunds, only on a case-by-case basis, based on a specific showing of facts. 47 U.S.C. §159(d); 47 C.F.R. §1.1166; c.f. Fee Collection Program, 2 FCC Rcd 947, 961 ¶¶ 87-88 (1987). While there may be specific factors that support IXC's request for a fee reduction, the arguments presented by IXC are too broad in nature - applying to all licensees in its fee payment category - to constitute a "narrowly tailored" petition for waiver or reduction, envisioned by Congress. See Conference Report to accompany H.R. 3128, H.R. Rep. No. 453, 99th Cong., 1st Sess. 39-42423 (1985). IXC's request involves a modification of the fee schedule, which is properly addressed as part of a rulemaking proceeding where all interested parties may comment on its proposal. Thus, IXC's petition amounts to a petition for reconsideration of the Commission's rulemaking establishing its FY 1996 regulatory fees. As such, not only is the petition late filed and unaccompanied by a petition for acceptance, but, even if it were treated as timely filed request for reduction of the regulatory fee, the petition would fail because it presents arguments affecting all licensees of similar facilities; its arguments should have been presented in the FY 1996 fee rulemaking proceeding; and IXC has not demonstrated good cause for its failure to present its arguments in the fee rulemaking proceeding in a timely fashion. 47 C.F.R. § 1.429(b)(2).

Accordingly, your petition for reduction of the regulatory fee is denied.

Sincerely,


Thomas M. Holleran
Acting Associate Managing
Director - Financial Operations

9609208835519007

RECEIVED

FEB 18 1997

Before the
Federal Communications Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Washington, D.C. 20554

In the Matter of)
Application of)
IXC CARRIER, INC.) File No.
)

To: The Managing Director

**SUPPLEMENT TO REQUEST FOR REDUCTION
AND REFUND OF REGULATORY FEES**

IXC Carrier, Inc. ("IXC") by its attorneys, hereby respectfully submits its brief supplement to its Request for Refund of Excessive Regulatory Fees (the "Request"), filed by IXC January 23, 1997. In support thereof, it is stated as follows:

At p. 4, note 4 of its Request IXC stated:

"Although *Part 101 Rules* was released on February 29, 1996 to this date the FCC has not acted on its plan to adopt a new FCC form applicable to both common carrier and OFS microwave proposals"

The essence of IXC's Request was that while the regulatory fees were assessed for regulatory services performed by the Wireless Telecommunications Bureau (the "Bureau"), those services were solely for processing microwave applications, not for IXC's common carrier activities as such. The FCC assesses other regulatory fees for common carrier activities. Yet although the private operational fixed microwave (OFS) applicants and the common carrier microwave applicants received virtually identical regulation by the Bureau, the FCC assessed a common carrier an amount twenty-two times greater than the regulatory fee assessment amount charged OFS licensees for the virtually identical Bureau regulation.

On February 3, 1997 the FCC issued a public notice announcing that the Bureau had released new FCC Form 415. This is the form referenced at page 4, n.4 of IXC's Request that henceforth both OFS microwave applicants and common carrier microwave applicants are to use to file applications for new microwave stations or modification of existing microwave stations with the Bureau¹.

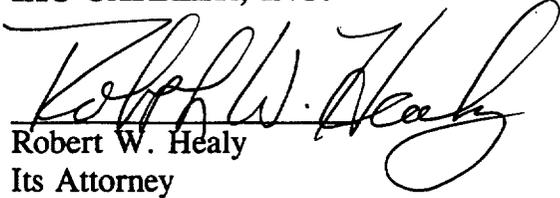
Pertinent portions of FCC Form 415 are attached. The technical portions of the application which are not attached do not make any distinction between applications of OFS microwave licensees and common carrier microwave licensees. The attached pertinent portions of FCC Form 415 show that the only information that a common carrier must submit that is not required of an OFS licensee are items 52-55 of the form. These four yes/no items require a common carrier to state that it is in compliance with the alien control provisions of Section 310 of the *Communications Act* - 47 U.S.C. § 310. Section 310 of the Act is not applicable to OFS microwave applicants.

IXC respectfully submits that this newly available information is relevant to IXC's Request in that it adds further support to IXC's assertion that if there is no discernable difference between the regulations by the Bureau of OFS microwave and common carrier microwave applicants then there is no "benefit" to common carrier applicants that would justify a twenty-two times greater regulatory fee.

¹ This form is also used for processing the microwave licenses of broadcasters applying for studio transmitter links (STL) or television transmitter links. The FCC assesses a \$35.00 regulatory fee for these services vs. \$7.00 for OFS licenses and \$155.00 for common carrier licensees such as IXC.

Respectfully submitted,

IXC CARRIER, INC.

A handwritten signature in black ink, appearing to read "Robert W. Healy", written over a horizontal line.

Robert W. Healy
Its Attorney

SMITHWICK & BELENDIUK, P.C.
1990 M Street, NW
Suite 510
Washington, DC 20036

February 13, 1997

9609208835579007
ORIGINAL

7/18/97 D#10
RECEIVED

JUL 14 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission

Washington, D.C. 20554

In the Matter of)
Application of)
IXC CARRIER, INC.)
)
)

RECEIVED
JUL 17 10 21 AM '97
FCC
FEES SECTION

To: The Managing Director

**FURTHER SUPPLEMENT TO
REQUEST FOR REDUCTION AND REFUND OF REGULATORY FEES**

IXC Carrier, Inc. ("IXC") by its attorneys, hereby respectfully submits its brief Further Supplement (the "Further Supplement") to its request for Refund of Excessive Regulatory Fees (the "Request"), filed by IXC January 23, 1997. In support thereof, it is stated as follows:

I. Background

A. The Original Fee Refund Request

In order to place this Further Supplement in proper perspective and to show good cause for its filing, it is necessary to supply some preliminary background information.

On January 23, 1997, IXC filed its Request for Reduction and Refund of Regulatory Fees (the "Request"). In the Request, IXC showed that it had met the FCC's threshold test to establish standing to file such a request. Section 1.1160 (a)(1) of the FCC's rules limits refunds of excessive regulatory fees to that based on an applicant's "entire submission." Regulatory fees must be paid before a request for refund may be filed. Following the "entire submission" scenario envisioned by Section 1.1160(a), IXC paid \$39,990.00 on September 16, 1996 "under protest" (FCC Account No. 0953769651). The term "under protest" is a legal term of art denoting that IXC has fulfilled its statutory obligation to pay the regulatory fee, but while doing

so, IXC gave notice to the FCC that it intended to seek the refund of the excessive portion of the regulatory fee.

The excessive portion of the regulatory fee IXC claimed should be refunded is \$29,062.00. That amount of \$29,062.00 is derived from IXC's claim, as set forth in the Request, that an FCC fee assessed for regulating a common carrier microwave station should be identical to the fee for regulating a private microwave station since the FCC's regulatory oversight by the Wireless Telecommunications Bureau of both private and common carrier microwave services was identical.

Had IXC been assessed in 1996 the same amount that IXC would have been assessed were it a private microwave licensee, the total regulatory fee IXC would have paid from 1996 through the year 2001 would have been \$10,838.00.

That amount is computed as follows:

- a) Number of FCC licensed microwave stations -- 258 multiplied by
- b) \$7.00 per station = \$1,806.00,
- c) Multiplied by the number of years remaining on the license. All 258 microwave licenses expire on February 1, 2001, unless renewed. Thus, 1996 to 2001 = 6 years. \$10,838.00

However, the 1996 regulatory fees assessed for regulation by the Wireless Telecommunications Bureau on a common carrier microwave licensee were assessed on a per annum rather than a single payment for each of the remaining years of the license basis. For 1996, the fee was \$155.00 per station. Thus with 258 stations, IXC paid a 1996 regulatory fee of \$39,900.00.

The statutory standard set forth in 47 U.S. § 159 (b)(a) is that a regulatory fee “must be reasonable related to the benefits provided to the payor. . . .” IXC pointed out in the Request, that as of 1996, private microwave and common carrier microwave stations were identically regulated under new Part 101 by the Wireless Telecommunications Bureau. See *Reorganization and Revision of Parts 1, 2, 21, and 94 of the Rules to Establish a New Part 101 Governing Terrestrial Microwave Fixed Radio Services*, 11 F.C.C. Rcd 13449 (1996). (“Part 101 Rules”).

B) The First Supplement to the Request

The FCC had announced in *Part 101 Rules* that since the regulation of private and common carrier microwave licenses was so similar that a new form would be issued covering any application for either service. Prior to *Part 101 Rules*, applicants for common carrier microwave licenses filed using FCC form 494 and followed the rules set forth in Part 22 of the FCC’s Rules. Applicants for private microwave licenses filed applications using FCC Form 703 and followed the rules set forth in Part 74 of the FCC’s rules. After *Part 101 Rules* became effective , both private and common carrier microwave licenses followed the rules set forth in new Part 101, but forms 494 and 703 were still to be used.

The first supplement to the Request filed on February 18, 1997 requested that in considering the Request, the FCC noted that use of forms 494 and 703 had been abolished and henceforth both private and common carrier licenses were to use new form 415.

II. The Reason for this Further Supplement

The Request would be incomplete if IXC failed to point out two subsequent actions by the Commission which are relevant to the Request.

On March 5, 1997, the FCC released *Assessment and Collection of Regulatory Fees for Fiscal year 1997*, FCC 97-49 ("1997 Fees"). In *1997 Fees* at p. 9, ¶ 22, the FCC held:

Since inception of the regulatory fee program, many parties holding microwave licenses have expressed confusion concerning which fee [small (\$7.00) or large (\$155.00)] they are required to pay. In order to alleviate this confusion and because operational and technical characteristics of private microwave and commercial microwave systems are similar, we are proposing to combine these two fee categories into a single microwave category for fiscal year 1997.

On June 26, 1997, the FCC released the *Report and Order in Assessment and Collection of Regulatory Fees for 1997*, F.C.C. 97-215 (The "1997 R&O"). At p. 18, ¶ 46 of the *1997 R&O* the Commission held:

Accordingly, we are adopting our proposal to establish in our fee schedule a single fee category covering licensees in both Domestic Public Fixed Service and the Private Microwave Service. As we have noted, these services are operationally and technologically similar, and we agree with IXC that our regulation is essentially the same for these services. (Underscoring supplied.)

It is respectfully submitted that in so holding, the Commission has favorably adjudicated the basic premise of the Request - i.e. that IXC should have paid a regulatory fee in 1996 that was no greater than the amount that IXC would have paid were it a private microwave licensee. The regulatory fee IXC would have paid in 1996 had it been a private microwave licensee would have been \$10,838.00. However, as a common carrier microwave licensee, IXC was assessed an annual fee of \$39,900.00. Thus, the excessive amount that IXC submits should be refunded is \$29,062.00.

Therefore, in light of the requirements of Section 1.1160 (a) of the FCC's rules, IXC hereby respectfully requests that the FCC refund to IXC Carrier, Inc. The amount of TWENTY-NINE THOUSAND SIXTY-TWO (\$29,062.00) DOLLARS.

Respectfully submitted,

IXC Carrier, Inc.



Robert W. Healy
Its Counsel

Smithwick & Belendiuk, P.C.
1990 M Street, N.W.
Suite 510
Washington, D.C. 20036
(202) 785-2800

July 14, 1997

Payment Transactions Detail Report

Date: 7/30/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9609208835519007	IXC LONG DISTANCE INC 5000 PLAZA ON THE LAKE SUITE 200 AUSTIN TX 78746	FCC2000190	09/19/96

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
\$724.01	\$724.01	1	COD6	387897		IXC LONG DISTANCE INC			\$724.01	1	PMT
Total									\$724.01		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

August 19, 1998

RECEIVED

OFFICE OF
MANAGING DIRECTOR

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Jon Keeton
Owner and General Manager
Radio Station WYXE
P.O. Box 864
Gallatin, TN 37066

Re: Request for Reduction in Regulatory Fee
Fee Control # 9709188835300005
Fee Paid: \$1,200

Dear Mr. Keeton:

This is in response to your letter to Mr. Brandenburg concerning the Fiscal Year (FY) 1997 regulatory fee for Radio Station WYXE, Gallatin, Tennessee. Please excuse our failure to respond to your letter in a more timely manner.

You argue that the Commission did not give sufficient weight to the daytime only status of your station, and that the fee scale does not provide sufficient differentiation between the fees paid by stations serving larger populations and those serving smaller populations.

Congress established the amount of fees that we are to collect for all service for FY 1997. The mass media fee schedule for FY 1997, for the first time considered both the class of station and the size of populations served. The fee schedule was developed based upon the ratios between the fees to be paid by different classes of licensees as set out in the original fee schedule as developed by Congress. 47 U.S.C. § 159(g); Assessment and Collection of Regulatory Fees for Fiscal Year 1997, FCC 97-215 ¶ 51-55 (June 26, 1997). Thus, the fee assessed WYXE was the same as that assessed all similarly situated licensees, and there is no basis for reducing the fee on an ad hoc basis without recalculating the fees for each radio station to insure that the Commission collects the amount in regulatory fees as mandated by Congress. Your request for waiver or reduction of the regulatory fee is denied.

However, in developing the FY 1998 fee schedule, we considered complaints that stations serving smaller populations paid a disproportionate share of the regulatory fees. Thus, the FY 1998 fee schedule, was modified by increasing the proportional regulatory fee burden on stations with higher classifications and serving larger populations, and decreasing the proportional fee burden on daytime only stations serving smaller populations.

Mr. Jon Keeton

2.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Reger". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Reger".

Mark Reger
Chief Financial Officer

Jenny

970918883530005

WYXE RADIO

1130 AM

P.O. 864
Gallatin TN. 3706
PH: 615-230-7262
Fax 615-451-1703

Dear Mr. Brandenburg,

My name is Jon Keeton, and I am the new owner of WYXE AM 1130 in Gallatin TN.

I jsut spoke to Mary Izzard with the F.C.C. and she suggested that fax you this letter.

I am by no means opposed to paying my fair share of the regulator fees, but I think the key word is "fair".

I am a daytime only station, and the fee assigned to me is \$1,200. In comparison to WSM, they are a clear channel, 50,000 watt station reaching over four million people, and the fee assinged to them was only \$2,000! As you can see the vast difference is the stations far exceeds the fees assigned by the F.C.C.

I feel little or no consideration was given to the fact that I am daytime only.

When I spoke to the F.C.C. they said that the scale was rather slanted toward the top, with the ceiling of \$2,000. If that is the case, then the rest of us should be adjusted down from that point. I think that would put the fees in a more realistic perspective.

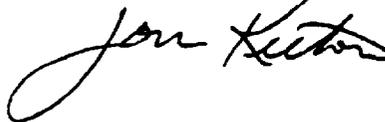
As I stated before, I am a new owner chasing the American dream. To pay a \$1,200 at this time would take over one third of my working capital. Not of my capital budget, but of my total working capital.

I have had several problems since taking over the station that has taken a lot more money than planned. The previous owner was less that scrupulous, and I was a bit naive to say the least. None the less, I am in the position I'm in.

Therefore, I respectfully request a drastic reduction in my regulatory fee on the basis that I am a daytime only station, and I do not generate the kind of income to pay that kind of fee. I am also asking that you give this matter your immediate attention so that I my not have to pay the full \$1,200 on the due date of 9/15/97.

I sincerely appreciate your efforts.

Jon Keeton
Station Owner and Gen. Mgr.



BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709188835300005	JON GARY ENTERPRISES INC PO BOX 864	FCC2043108	09/17/97

GALLATIN TN 37066

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
\$1,200.00	\$1,200.00	1	MGE7	1	WYXE	JON GARY ENTERPRISES INC			\$1,200.00	1	PMT
Total									\$1,200.00		

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

JUL 14 1998

RECEIVED

OCT - 8 1998

Mr. Sid King
President
King-Britton Radio, Inc.
P.O. Box 33
Clinton, AR 72031

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Request for Waiver or Reduction of
Regulatory Fee
Fee Control # 9803318835121009
Fee Paid: \$1,625

Dear Mr. King:

This is in response to your request for waiver or reduction of the Fiscal Year (FY) 1997 regulatory fees for Radio Stations KAWW-AM and KAWW-FM, Heber Springs, Arkansas. You argue that King-Britton Radio, Inc. purchased Radio Stations KAWW-AM and KAWW-FM two years ago, that the stations have been losing money, and that you don't have enough money to pay the stations' outstanding bills. In support of your request you filed King-Britton Radio, Inc.'s 1996 tax return and a Profit and Loss statement covering the period from January through August, 1997.

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).

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.

King-Britton Radio, Inc.'s tax return, establishes that the licensee suffered substantial financial losses and there have been no salaries or other payments to the company's principals. The losses are not off-set by depreciation or amortization. Under these circumstances, King-Britton Radio, Inc. has presented a compelling showing of financial hardship and the FY 1997 regulatory fees for Radio Stations KAWW-AM and KAWW-FM are

Mr. Sid King

2

waived. If King-Britton Radio, Inc. continues to experience financial hardship, you may request waiver of the regulatory fees in FY 1998 and in succeeding years, supported by appropriate documentation.

King-Britton Radio, Inc., paid \$1625 in FY 1997 regulatory fees for Radio Stations KAWW-AM and KAWW-FM. A check, made payable to the maker of the original check and drawn in the amount of \$1,625, will be sent to you at the earliest practicable time.

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

PUBLIC SERVICE DIV.
OMD-PIRS

OCT 17 4 20 PM '97

RECEIVED

OPA

000000 BCB-98-007

RECEIVED
OCT 19 2 37 PM '97
AUDIO SERVICES DIVISION
OCT 17 10 03 AM '97
AUDIO SERVICES DIVISION
RECEIVED
OCT 17 10 13 AM '97

King-Britton Radio, Inc.
Sid King
P.O.Box 33
Clinton, Ar. 72031

Federal Communication Commission
Waiver Request
P.O. Box 358300
Pittsburgh, PA 15251-5300

09/16/97

Dear FCC;

David Britton and Sid King who make up King-Britton Radio would like to seek a Waiver, reduction or deferment of our regulatory fee of \$1,625.00. We bought KAWW-AM and KAWW-FM, Heber Springs, Ar. just about 2 years ago. We knew it would be a turn around situation since it was losing money for the previous owner. We felt by making the station more Community minded by doing local news and local sports we could get the community supporting the station again. We have in the last 2 years put more that \$125,000.00 into the station. To put it quite frankly we are broke. We are trying to raise enough money to pay the electric bill on the transmitters each month and the 3 employees salary. To pay the \$1,625.00 regulatory fee would put our operation at great risk of shutting down. Please help us in granting our request for some type of relief from the fee. I'm enclosing our tax return from last year and our current P and L up to August. What that doesn't show is the \$8,000 plus worth of bills that we are holding that we can't pay at this time.

Sincerely Yours,



Sid King
President
King-Britton Radio, Inc.

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING

LOCKBOX # **358300**

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

APPROVED BY OMB 3060-0589

PAGE NO. 1 OF 1

SPECIAL USE
FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) KING-BRITTON Radio, INC.		(3) TOTAL AMOUNT PAID (dollars and cents) \$ 1,625⁰⁰
(4) STREET ADDRESS LINE NO. 1 P.O. Box 33		
(5) STREET ADDRESS LINE NO. 2		
(6) CITY Clinton	(7) STATE AR	(8) ZIP CODE 72031
(9) DAYTIME TELEPHONE NUMBER (include area code) 501-745-4474	(10) COUNTRY CODE (if not in U.S.A.)	

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)		
(12) STREET ADDRESS LINE NO. 1		
(13) STREET ADDRESS LINE NO. 2		
(14) CITY	(15) STATE	(16) ZIP CODE
(17) DAYTIME TELEPHONE NUMBER (include area code)	(18) COUNTRY CODE (if not in U.S.A.)	

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)

SECTION C - PAYMENT INFORMATION

(1) FCC CALL SIGN/OTHER ID KAWW-Am	(20A) PAYMENT TYPE CODE (PTC) M G 1 7	(21A) QUANTITY 1	(22A) FEE DUE FOR (PTC) IN BLOCK 20A \$ 400⁰⁰	FCC USE ONLY
(23A) FCC CODE 1 1370	(24A) FCC CODE 2 AR Heber Springs			
(19B) FCC CALL SIGN/OTHER ID KAWW-FM	(20B) PAYMENT TYPE CODE (PTC) M G E 7	(21B) QUANTITY 1	(22B) FEE DUE FOR (PTC) IN BLOCK 20B \$ 1,200⁰⁰	FCC USE ONLY
(23B) FCC CODE 1 100.7	(24B) FCC CODE 2 AR Heber Springs			
(19C) FCC CALL SIGN/OTHER ID WLO-250	(20C) PAYMENT TYPE CODE (PTC) M U B 7	(21C) QUANTITY 1	(22C) FEE DUE FOR (PTC) IN BLOCK 20C \$ 25⁰⁰	FCC USE ONLY
(23C) FCC CODE 1 947.6250 / 947.3750	(24C) FCC CODE 2 AR Heber Springs			
(19D) FCC CALL SIGN/OTHER ID	(20D) PAYMENT TYPE CODE (PTC)	(21D) QUANTITY	(22D) FEE DUE FOR (PTC) IN BLOCK 20D	FCC USE ONLY
(23D) FCC CODE 1	(24D) FCC CODE 2			

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN 0710780438	(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2 APPLICANT TIN 0
-------------------------------------	--

SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT
I, Sid King, Certify under penalty of perjury that the foregoing and supporting information are true and correct to the best of my knowledge, information and belief. SIGNATURE Sid King

SECTION F - CREDIT CARD PAYMENT INFORMATION

<input type="checkbox"/> MASTERCARD <input type="checkbox"/> VISA	MASTERCARD/VISA ACCOUNT NUMBER: _____ I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization(s) herein described.	AUTHORIZED SIGNATURE _____ DATE	EXPIRATION DATE: _____ MONTH YEAR
--	--	---------------------------------------	---

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

August 25, 1998

OFFICE OF
MANAGING DIRECTOR

Roy F. Perkins, Jr., Esquire
1724 Whitewood Lane
Herndon, VA 20170-2980

RECEIVED
OCT - 8 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Petition for Waiver of Regulatory Fee
Radio Station KITZ(AM)
Silverdale, Washington

Dear Mr. Perkins:

This is in response to the petition for waiver of the Fiscal Year (FY) 1997 regulatory fee that you filed on behalf of Kitsap Broadcast Group, licensee of AM Radio Station KITZ, Silverdale, Washington. You maintain that Radio Station KITZ was silent (not broadcasting) from March 31, 1977 through March 8, 1998, pursuant to special authority from the Commission.

In Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 ¶ 15 (1995), the Commission, noting that dark, non-operational 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, held that it would waive the regulatory fee for stations which have ceased operation.

The period during which Radio Station KITZ was silent lasted almost a full year and it encompassed the date on which payment was due. Accordingly, your request is granted and the FY 1997 regulatory fee for Kitsap Broadcast Group as licensee of AM Radio Station KITZ is waived. Because KITZ has resumed broadcasting, the waiver is limited to its FY 1997 regulatory fee.

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

Sincerely,



Mark Reger
Chief Financial Officer

000000 BC B-98-052 RECEIVED

Jerry

Levi Office

ROY F. PERKINS, JR.

JUN 13 3 30 PM '98

FEE-S SECTION

1724 WHITEWOOD LANE
HERNDON, VA 20170-2980

June 15, 1998

(703) 435-9700

Ms. Claudette Pride
Chief, FCC Fee Section
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554

Re: KITZ(AM), Silverdale, WA
Application for Waiver of Regulatory Fee

Dear Ms. Pride

This letter is submitted on behalf of Kitsap Broadcast Group., Inc., licensee of Station KITZ(AM), Silverdale, Washington. It is in response to your letter of March 17, 1998, to the licensee respecting non-payment of the regulatory fee for FY 1997.

Kitsap Broadcast Group, Inc., respectfully requests a waiver, pursuant to Section 1.1166 of the Rules, of liability for payment of the FY 1997 fee. Station KITZ went silent on March 31, 1997, due to loss of its studio premises and inadequate funds to establish a replacement. It remained silent (not broadcasting), pursuant to extension of authority to be silent, continuously until March 3, 1998. The silent period, thus, encompassed the fee payment date, beginning months before it and continuing until months after it.

Representative documentation consisting of copies of (1) the letter of notification of silent status, dated April 24, 1997, and (2) the letter of December 11, 1997, extending the authority to be silent to March 31, 1998, are attached for your reference.

In its Memorandum, Opinion and Order, adopted June 15, 1995, in MD Docket No. 94-19,² the Commission ruled that certain circumstances would establish financial hardship warranting waiver of regulatory fees. The Commission stated, in this regard, as follows:

-
1. An application for assignment of the license of Station KITZ to new ownership with the wherewithal to return it to broadcast operation is on file under File No. BAL-980504GH.
 2. FCC 95-257, 78 R.R.2d 210.

Ms. Claudette Pride, Chief, Fee Section
June 15, 1998

- 2 -

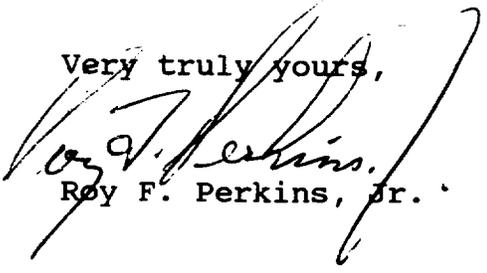
13. We will grant waivers of the fees on a sufficient showing of financial hardship. * * *

14. * * Evidence of bankruptcy or receivership is sufficient to establish financial hardship. * * *

15. We also will grant . . . waivers of the regulatory fees on ground of financial hardship from licensees of broadcast stations which are dark (not operating). . . Petitions to go dark are generally based on financial hardship. * * *

Accordingly, it is respectfully submitted that good cause has been shown for waiver of the 1997 regulatory fee for Station KITZ(AM), Silverdale, Washington.

Very truly yours,


Roy F. Perkins, Jr.

APR 23 1997

RECEIVED

Law Offices

ROY F. PERKINS, JR.

1724 WHITEWOOD LANE
HERNDON, VA 20170-2980

April 24, 1997

(703) 435-9700

**Please
DATE STAMP
AND
RETURN**

C

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

Re: KITZ(AM), Silverdale, WA

Dear Mr. Caton

O

On behalf of Kitsap Broadcast Group, Inc., licensee of Station
KITZ(AM), Silverdale, Washington, you are advised that Station KITZ
suspended broadcast operation on March 31, 1997, due to loss of its
studio premises and inadequate funds to establish studios at new
premises.

P

Very truly yours,

Roy F. Perkins, Jr.

Y

THIS LETTER SUPERSEDES LETTER DATED NOVEMBER 25, 1997.

**FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

DEC 11 1997

**In Reply Refer To:
1800B2-SML**

Roy F. Perkins, Jr., Esq.
1724 Whitewood Lane
Herndon, Virginia 20170-2980

In re: KITZ(AM), Silverdale, Washington
Silent Since: 3/31/97
Request for Special Temporary Authority

Dear Mr. Perkins:

This letter concerns your request filed September 30, 1997 on behalf of Kitsap Broadcast Group, Inc., for special temporary authority to permit Station KITZ(AM) to remain silent.

Your request states that the licensee is actively seeking a buyer for KITZ. You indicate the request for special temporary authority is necessary to permit that process to continue. Your request includes the appropriate certification that neither the licensee nor any party thereto is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

Your request will be granted. Accordingly, special temporary authority to remain silent is extended for a period not to exceed ninety days from the date of this letter. **Notwithstanding the grant of this special temporary authority, the broadcast license for KITZ(AM) will automatically expire as a matter of law if broadcast operations pursuant to the minimum operating schedule requirements of Section 73.1740(a)(1) of the Rules do not commence by March 31, 1998.¹ See Pub. L. No. 104-104, 110 Stat. 56, § 403(1)(1996) and Order, Silent Station Authorizations (Enclosed), FCC 96-218 (released May 17, 1996).**

¹Notification of resumption of broadcast operations must be mailed to:

Federal Communications Commission
Attn: 1800B3-SML, Room 342
Washington, D.C. 20554

Please note, finally, that in the event any AM station remains silent for a period over 6 months, it will be necessary to file with the Commission prior to returning the station to on-air operations, FCC Form 302 for direct measurement of power, including a partial proof of performance for stations with directional antennas.

Sincerely,



Sharlene M. Lofty, Industry Analyst
Audio Services Division
Mass Media Bureau

Enclosure