

interstate network.<sup>13/</sup> Significantly, in determining that even those CMRS operators that do not fully connect with the public switched network should be subject to regulatory fees, the Commission stated that "mobile providers must pay fees based upon [the Commission's] regulatory costs rather than the particular use that a provider makes of its frequencies."<sup>14/</sup> The Commission should apply this principle in assessing fees on microwave licenses by declining to charge first for the call sign and a second time for the particular use the licensee makes of the spectrum.

Requiring payment of both a gross revenues fee and a call sign fee unfairly penalizes ICI because of its choice of technology. This is directly contrary to the Commission's frequently expressed goal of adopting policies designed to encourage the use and development of alternative technologies.<sup>15/</sup> Assessing two sets of regulatory fees

---

<sup>13/</sup> Id. at Appendix F, ¶ 14.

<sup>14/</sup> 1996 Fees Order at ¶ 19 (emphasis added).

<sup>15/</sup> See, e.g., In the Matter of Amendment of the Commission's Rules to Permit Flexible Service Offerings in the Commercial Mobile Radio Services, First Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 96-6, FCC 96-283 (released August 1, 1996) at ¶ 19 (the potential uses of CMRS spectrum will not be limited to specific applications because the Commission prefers to encourage innovation and experimentation through a broader, more flexible standard); In the Matter of Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service, and Implementation of Section 309(j) of the Communications Act - Competitive Bidding, Notice of Proposed Rulemaking, MM Docket No. 94-131, PP Docket No. 93-253, 9 FCC Rcd 7665, 7666 (1994) (goal in streamlining application procedures for Multipoint Distribution Service is to promote alternative technology to cable television); In the Matter of Amendment of Part 90 of the Commission's Rules to Adopt Regulations for Automatic Vehicle Monitoring Systems, Report and Order, PR Docket No. 93-61, 10 FCC Rcd 4695, 4706 (1995) (expanding spectrum available to Location and Monitoring Service will encourage growth of alternative technologies, enabling consumers to satisfy their individual communications needs); FCC Chairman Reed E. Hundt, Address to the Harvard International Business Club, May 11, 1994 (personal communications services licensees should be given "unprecedented flexibility (continued...)

disadvantages ICI vis-a-vis its competitors, which are subject to only one fee requirement. This disparate regulatory treatment makes it more difficult for ICI, as an alternative provider, to succeed in the marketplace. Thus, ICI asks that, insofar as it is subject to a separate call sign fee for the technology used to provide the underlying service, the Commission waive the gross revenues fee.<sup>16/</sup>

In the alternative, ICI requests that the Commission waive the call sign fee for those authorizations ICI uses primarily to provide interexchange service. While this approach would be more cumbersome to implement and police because of the difficulty in determining the primary purpose of a given authorization, it would eliminate the double charging problem.

For the foregoing reasons, ICI respectfully requests that the Commission waive the gross revenues fee assessed upon ICI's interexchange business utilizing point-to-point

---

<sup>15/</sup>(...continued)

to use the spectrum to provide those services that they believe will have the greatest commercial value and to do so using the technologies of their choice.").

<sup>16/</sup> Under ICI's proposal, the Commission could either waive the gross revenues fees outright or, consistent with the arrangements made for common carrier resellers, the gross revenues fees could be applied as a credit to ICI's call sign fee assessment.

microwave for the provision of its services in favor of a single fee assessment based upon the number of microwave call signs held by the company.

Respectfully submitted,

INTERMEDIA COMMUNICATIONS INC.  
(formerly and now d/b/a/ EMI Communications  
Corporation)

A handwritten signature in cursive script, appearing to read "Cherie R. Kiser", is written over a horizontal line.

Cherie R. Kiser  
Sara F. Seidman  
Jennifer A. Purvis  
Mintz, Levin, Cohn, Ferris  
Glovsky and Popeo, P.C.  
Suite 900  
701 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
(202)434-7300

Its Attorneys

September 19, 1996

F1/57747.1

Federal Communications Commission  
Associate Managing Director—Operations

---

To:

- |  |  |
|--|--|
| <input type="checkbox"/> 1. Managing Director        | <input checked="" type="checkbox"/> 9. <sup>FMD</sup> <del>FMD</del> |
| <input type="checkbox"/> 2. Deputy Managing Director | Attn: <u>BCB</u>   |
| <input type="checkbox"/> 3. Assistant for Management | <input type="checkbox"/> 10. OSD                                     |
| <input type="checkbox"/> 4. AMD—HRM                  | Attn: _____  |
| <input type="checkbox"/> 5. AMD—IM                   | <input type="checkbox"/> 11. _____                                   |
| <input type="checkbox"/> 6. Chief, MPPEO             | Attn: _____  |
| <input type="checkbox"/> 7. Systems Accountant       | <input type="checkbox"/> 12. _____                                   |
| <input type="checkbox"/> 8. AMD-O Secretary          | Attn: _____  |
|  | <input type="checkbox"/> 13. Rm _____                                |
- 

Respond By \_\_\_\_\_  Return To \_\_\_\_\_

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Appropriate Action | <input type="checkbox"/> Copies           | <input type="checkbox"/> Note and Return  |
| <input type="checkbox"/> Approval                      | <input type="checkbox"/> Correction       | <input type="checkbox"/> Per Conversation |
| <input type="checkbox"/> As Requested                  | <input type="checkbox"/> Distribution     | <input type="checkbox"/> Prepare Reply    |
| <input type="checkbox"/> Call Me                       | <input type="checkbox"/> File             | <input type="checkbox"/> Recommendation   |
| <input type="checkbox"/> Circulation                   | <input type="checkbox"/> Information Only | <input type="checkbox"/> See Me           |
| <input type="checkbox"/> Comment                       | <input type="checkbox"/> Justify          | <input type="checkbox"/> Signature        |
| <input type="checkbox"/> Coordination                  |   |   |

Subject: *196 Reg Fee Waiver Request  
Intermedia Communications, Inc*

---

Remarks:

From: TMM Date: 9/26/96 Time: 6.55 A

# Payment Transactions Detail Report

Date: 10/22/96

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9609308835245023	INTERMEDIA COMMUNICATIONS INC 3625 QUEEN PALM DR  TAMPA FL 33619	██████████	09/25/96

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
\$9,797.00	\$9,797.00	1	COD6	9996724	809368	INTERMEDIA COMMUNICATIONS			\$9,797.00	1	PMT
\$9,797.00	\$9,797.00	1	COD6	9996724	809368	INTERMEDIA COMMUNICATIONS			\$9,797.00	1	PMT U
<b>Total</b>		<b>2</b>							<b>\$19,594.00</b>		

0409158925557001

~~John~~ Jim

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

JUL 31 1995

In the Matter of  
  
Assessment and Collection  
of Regulatory Fees for  
Fiscal Year 1995

MD Docket No. 95-3

Price Cap Treatment of  
Regulatory Fees Imposed  
by Section 9 of the Act

DOCKET FILE COPY ORIGINAL

To: The Managing Director

*John*  
*John*

**PETITION FOR WAIVER**

EMI Communications Corporation ("EMI"), by its attorneys and pursuant to Sections 1.3 and 1.1166<sup>1</sup> of the Commission's rules, hereby seeks a waiver of Section 1.1154 of the Commission's rules insofar as it results in "double charging" EMI.<sup>2</sup> Specifically, Section 1.1154 subjects EMI to both a call sign fee for its microwave licenses and a gross revenues fee for its interexchange service utilizing those licenses. Thus, EMI asks that the Commission waive the gross revenues fee.<sup>3</sup>

<sup>1</sup> Although Section 1.1166(c) states that a request for waiver must be accompanied by the required fee and FCC Form 159, the standard interexchange carrier fee, which is the subject of this petition, is not due and payable at this time.

<sup>2</sup> See Report and Order ("Fees Order"), released June 19, 1995, in the above-captioned proceeding.

<sup>3</sup> EMI is submitting simultaneously herewith a Petition for Partial Reconsideration of the Fees Order insofar as the order results in charging companies in EMI's position twice for the same service.

No. of Copies rec'd *024*  
List ABCDE

EMI is the Part 21 licensee of more than 200 microwave point-to-point stations. In addition to traditional point-to-point microwave service (e.g., distribution of radio and television signals), EMI uses these licenses to provide interexchange service in the eastern and northeastern United States. EMI, nevertheless, competes directly with other landline interexchange providers.

Pursuant to the Fees Order, EMI, like other microwave providers, is required to pay \$140 annually for each microwave call sign.<sup>4'</sup> Because it also provides long distance service, however, the company is subject to an additional fee not imposed upon its competitors. Specifically, EMI is required to pay a fee based upon the gross revenues derived from its interexchange service on top of the call sign assessment.<sup>5'</sup>

EMI is not aware of any other situation whereby a provider is required to pay fees once for the technology it uses and a second time for the service it provides using that technology. Indeed, in the Fees Order, the Commission adopted special measures to keep from double charging regulated industries. For example, it provided that, "[i]n order to avoid imposing a double payment burden on resellers, [it] will permit interexchange carriers to subtract from their reported gross interstate revenues any payments made to underlying carriers for

---

<sup>4'</sup> 47 C.F.R. § 1.1154.

<sup>5'</sup> Id.; Fees Order at ¶ 134.

telecommunications facilities or services."<sup>6/</sup> Notably, with regard to mobile services, the Commission stated that it did not have the data necessary to structure a fee schedule in a manner that would protect resellers from double payments.<sup>7/</sup> Thus, while mobile licensees pay fees assessed on the basis of mobile units or telephone numbers, resellers are not required to pay any fees whatsoever.<sup>8/</sup>

Other point-to-point microwave licensees that use their frequencies solely for video and data distribution are not subject to separate fees based upon the revenues derived from their transport business.<sup>9/</sup> In addition, Local Television Transmission Radio Service, Digital Electronic Message Service, Multipoint Distribution Service, and Multichannel Multipoint Distribution Service licensees are required to pay only the \$140 per call sign fee.<sup>10/</sup> Similarly, as noted previously, mobile operators are not assessed revenues-based fees on top of the per-unit fees, even though many mobile licensees, like EMI, are users of the interstate network.

Requiring payment of both a gross revenues fee and a call sign fee unfairly penalizes EMI because of its choice of technology. This is directly contrary to the Commission's

---

<sup>6/</sup> Fees Order at ¶ 135.

<sup>7/</sup> Id.

<sup>8/</sup> Id. at ¶ 91.

<sup>9/</sup> See id. at ¶ 95.

<sup>10/</sup> Id. at ¶¶ 95-96.

frequently expressed goal of adopting policies designed to encourage the use and development of alternative technologies.<sup>11'</sup> Assessing two sets of regulatory fees disadvantages EMI vis a vis its competitors, which are subject to only one fee requirement. This disparate regulatory treatment makes it more difficult for EMI, as an alternative provider, to succeed in the marketplace. Thus, EMI asks that, insofar as it is subject to a separate call sign fee for the technology used to provide the underlying service, the Commission waive the gross revenues fee.<sup>12'</sup>

In the alternative, EMI suggests that the FCC delete the call sign fee for those authorizations it uses primarily to provide interexchange service. While this approach would be more cumbersome to implement and police because of the difficulty in

---

<sup>11'</sup> See e.g., Notice of Proposed Rulemaking, MM Docket No. 94-131, PP Docket No. 93-253, 9 FCC Rcd 7665, 7666 (1994) (goal in streamlining application procedures for Multipoint Distribution Service is to promote alternative technology to cable television); Report and Order, PR Docket No. 93-61, 10 FCC Rcd 4695, 4706 (1995) (expanding spectrum available to Location and Monitoring Service will encourage growth of alternative technologies, enabling consumers to satisfy their individual communications needs); Notice of Proposed Rulemaking, RM-8476, 9 FCC Rcd 4981, 4982 (allowing Interactive Video and Data Services licensees to use their authorizations for ancillary mobile (as opposed to fixed) services will enhance service offerings for consumers, producers and new entrants); FCC Chairman Reed E. Hundt, Address to the Harvard International Business Club, May 11, 1994 (personal communications services licensees should be given "unprecedented flexibility to use the spectrum to provide those services that they believe will have the greatest commercial value and to do so using the technologies of their choice.").

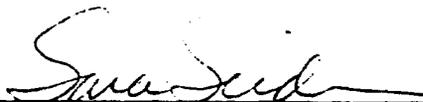
<sup>12'</sup> Under EMI's proposal, the Commission could either waive the gross revenues fees outright or, consistent with the arrangements made for common carrier sellers, the gross revenues fees could be applied as a credit to EMI's call sign fee assessment.

determining the primary purpose of a given authorization, it would eliminate the double charging problem.

For the foregoing reasons EMI respectfully requests that the FCC waive the gross revenues fee assessed upon its interexchange business to avoid charging the company twice for the same service.

Respectfully submitted,

EMI COMMUNICATIONS CORPORATION



Cherie R. Kiser  
Sara F. Seidman  
Mintz, Levin, Cohn, Ferris  
Glovsky and Popeo, P.C.  
Suite 900  
701 Pennsylvania Ave., N.W.  
Washington, D.C. 20004  
(202)434-7300

Its Attorneys

July 31, 1995

FI/42189.1

CERTIFICATE OF SERVICE

I, Tanya Butler, hereby certify that on this 31st day of July, 1995, a copy of the foregoing Petition for Waiver was delivered by hand to each of the parties listed below.

  
Tanya Butler

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

Susan H. Steiman  
Deputy Associate General Counsel  
Federal Communications Commission  
1919 M Street, N.W., Room 616  
Washington, D.C. 20554

David Solomon  
Deputy General Counsel  
Federal Communications Commission  
1919 M Street, N.W. Rm 614  
Washington, D.C. 20554

James B. Mullins  
Office of General Counsel  
Federal Communications Commission  
1919 M Street, N.W., Room 618  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

September 29, 1998

OFFICE OF  
MANAGING DIRECTOR

DOCKET FILE COPY ORIGINAL

Mr. Gilbert Hammond  
President  
Hammond Broadcasting, Inc.  
P.O. Box 50  
Fairmouth, KY 41040

Re: Request for Waiver of Regulatory Fees  
Fee control # 9709238835854001

Dear Mr. Hammond:

This is in response to your request for a waiver of the Fiscal Year (FY) 1997 regulatory fees, filed on behalf of Hammond Broadcasting, Inc., licensee of FM Radio Station WIOK-FM, Falmouth, Kentucky. Please excuse our failure to respond to your request in a more timely manner.

You argue that the Commission should waive the regulatory fees for WIOK and associated auxiliary stations, because the stations are located in an area that was affected by severe flooding in March 1997, that the area was declared a Federal Disaster Area, and as result of the flood, WIOK lost approximately 30% of its advertising revenues.

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

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

10 FCC Rcd at 12761-2762.

Gilbert Hammond, President

2.

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

In the absence of appropriate documentation, you have not established how the regulatory fees would create a compelling financial hardship for WIOK and your request for waiver of the regulatory fees is dismissed. However, in view of your allegations of the loss of revenues at the station, you may file a new request for waiver of the FY 1997 regulatory fee, together with appropriate supporting documentation, within thirty days from the date of this letter.

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

Sincerely,



Mark Reger  
Chief Financial Officer  
Director for Operations



# HAMMOND BROADCASTING, INC.

All to the Glory of God! I Cor. 10:31

7/11/97

2

September 15, 1997

RECEIVED

SEP 18 1997

FCC MAIL ROOM

HD9

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

Dear Secretary:

I am requesting a wavier of the regulatory fees of \$600 plus the auxiliary fees of \$100 for radio station WIOK-FM in Falmouth, Kentucky. This entire area was affected by severe flooding in March of 1997 and was designated by President Clinton as a Federal Disaster area.

The result of the flooding was a severe loss of property in Falmouth and Pendleton County as well as much of the surrounding area. Our radio station WIOK-FM suffered directly from the flooding and also lost approximately 30% of its advertising base when businesses were closed due to the flooding. Although a small portion of these ultimately reopened for business, many closed their doors permanently. The effect has been more than a 30% loss in advertising revenue thus far for 1997.

We have made a concerted effort to assist many businesses to reopen by giving them more than \$16,000 in free advertising to help in their efforts. For the reasons outlined above, I respectfully request a waiver of the regulatory fees in the total amount of \$700 for 1997.

Sincerely,

Gilbert Hammond, President  
Hammond Broadcasting, Inc. WIOK-FM

REC: SEP 24 10 58 AM '97 PUBLIC SERVICE DIV. OHD-PIRS

"Serving Northern, Central & Southern Kentucky; Southwest Ohio; Southeast Indiana"

WIOK  
P.O. Box 50  
Falmouth, KY 41040  
606-472-4351 606-472-1075 FAX 606-472-2875

WIDS  
P.O. Box 597  
Russell Springs, KY 42642  
502-866-8800

WYGH  
2001 Main Street  
Paris, KY 40361  
606-987-1440

Payment Transactions Detail Report

Date: 11/7/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709238835854001	HAMMOND BROADCASTING INC 13297 GREEN ROAD  WALTON KY 41094	██████████	09/17/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$2,550.00	\$2,550.00	3	MGG7	1	WIDS	HAMMOND BROADCASTING INC	41094		\$800.00	2	PMT
\$2,550.00	\$2,550.00	6	MUB7	2	WIDSAM	HAMMOND BROADCASTING INC	41094		\$50.00	2	PMT
\$2,550.00	\$2,550.00	1	MGH7	1	WIOKFM	HAMMOND BROADCASTING INC	41094		\$600.00	2	PMT
\$2,550.00	\$2,550.00	5	MUB7	2	WIOKFM	HAMMOND BROADCASTING INC	41094		\$50.00	2	PMT
\$2,550.00	\$2,550.00	2	MGF7	1	WYGHAM	HAMMOND BROADCASTING INC	41094		\$1,000.00	2	PMT
\$2,550.00	\$2,550.00	4	MUB7	2	WYGHAM	HAMMOND BROADCASTING INC	41094		\$50.00	2	PMT
<b>Total</b>									<b>\$2,550.00</b>		

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

September 29, 1998

OFFICE OF  
MANAGING DIRECTOR

**DOCKET FILE COPY ORIGINAL**

Mr. Ira Hatchett  
General Manager  
Radio Station WBSL  
Hancock Broadcasting, Inc.  
1190 Casino Magic Dr.  
Bay St. Louis, MS 39520

Re: Request for Waiver of Regulatory Fee

Dear Mr. Hatchett

This is in response to your request for waiver of the Fiscal Year 1997 regulatory fee and late payment penalty for Radio Station WBSL, Bay St. Louis, Mississippi, licensed to Hancock Broadcasting, Inc. You assert that payment of the regulatory fee and penalty would be a financial hardship.

The waiver request is untimely. On August 1, 1997, the Commission issued a Public Notice, FY 1997 Mass Media Regulatory Fees, to all licensees, advising them of their Fiscal Year 1997 regulatory fee obligations. Licensees were notified that fee payments were to be received by the Commission by September 19, 1997 and they were advised of their right to request waiver or deferment of the fees by September 19, 1997. The Commission in establishing the regulatory fee program said that it would "accept petitions for waiver, reduction and deferments [of the regulatory fees] so long as they are filed no later than the date payment is due." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5345 ¶ 34 (1994). On April 21, 1998, Hancock Broadcasting, Inc. was advised by letter that the Commission had no record for the payment of its FY 1997 regulatory fee for WBSL and that the licensee was to either submit payment or proof of payment. There is no record of a response to the April 21, 1998 letter. It was only after the Commission advised you in a further letter dated June 12, 1998 that payment of the fee and penalty were due, that you filed your request for waiver of the regulatory fee and penalty.

A review of the Commission's records indicates that you have made no attempt to show why you could not have filed a waiver request in a timely manner. Your failure to comply with the Commission's filing rules, has added to the Commission's regulatory burden and you have not made a compelling showing of why the Commission should grant your untimely request for waiver of the fee and late payment penalty. Thus, your untimely waiver request is denied.

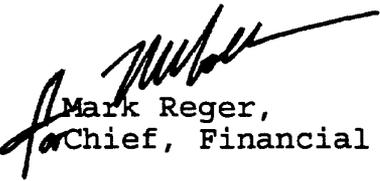
Mr. Ira Hatchett

2.

Payment of the FY 1997 regulatory fee in the amount of \$1,000 and the late payment penalty of \$250 for Radio Station WBSL is now due. The aggregate \$1250 fee and penalty should be filed together with a Form FCC 159 (copy enclosed) within 15 days from the date of this letter. You are cautioned, that the failure to submit payment as required, may result in further sanctions and the initiating of a proceeding to recover the fees and penalty pursuant to the provisions of the Debt Collection Act.

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

Sincerely,

  
Mark Reger,  
for Chief, Financial Officer

Enclosure

Jenny

000000 BCB-98-055

**WBSL AM RADIO STATION (HANCOCK COUNTY)  
BAY ST. LOUIS MISSISSIPPI 39520  
1190 CASINO MAGIC DR.**

**HANCOCK BROADCASTING, INC.**

FEDERAL COMMUNICATIONS COMMISSION:

JULY 1, 1998

FCC  
FEES SECTION

JUL 14 12 15 PM '98

RECEIVED

MS. REGINA W. DORSEY, CHIEF  
BILLINGS & COLLECTIONS BRANCH

RE: REQUEST FOR WAIVER OF REGULATORY FEES .

DEAR MRS. DORSEY,

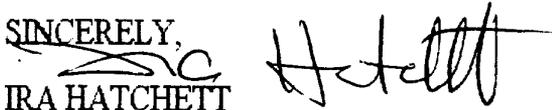
THIS IS A REQUEST FOR RELIEF OF FEES DUE FROM HANCOCK BROADCASTING, INC. OPERATOR OF WBSL AM 1190 RADIO STATION LICENSED TO AND SERVING HANCOCK COUNTY MISSISSIPPI. AT THIS TIME WBSL RADIO STATION IS OPERATING AT A LOSS AS IT WAS DURING 1997...

I REALIZE THE NECESSITY OF REGULATORY FEES AND I AM WILLING TO COMPLY BUT AS A DAYTIME AM STATION IN AN AREA SURROUNDED BY LARGER AM AND FM STATIONS ,HELD BY OWNERS WITH MULTIPLE STATIONS, THAT COMPETE FOR THE AVAILABLE REVENUE IT'S PLACING ME IN EXTREME HARDSHIP ATTEMPTING TO RAISE THE MONEY FOR THE FEES AT THIS TIME.

WE ARE AVAILABLE TO THE PUBLIC WE ASSIST IN MANY WAYS FROM FOOD DRIVES TO BEING PART OF THE HANCOCK COUNTY EMERGENCY PREPAREDNESS COMMISSION.

WE ARE WORKING TO MAKING THIS OPERATION PROFITABLE BUT UNTIL THAT TIME WE BEG FOR RELIEF OF THE CURRENT REGULATORY FEES.

SINCERELY,

  
IRA HATCHETT

GENERAL MANAGER

WBSL AM 1190 RADIO STATION

228-467-1190

please Reply

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

FILE

APR 21 1998

OFFICE OF  
MANAGING DIRECTOR

HANCOCK BROADCASTING, INC.  
WBSL AM  
1000 BLUE MEADOW ROAD  
BAY ST. LOUIS, MS 39520

Dear Gentlemen:

This letter is in reference to the 1997 regulatory fee(s) for which payments were due to the Federal Communications Commission (FCC) on September 19, 1997. You were advised by letter dated March 6, 1998, that an examination of the FCC's records indicated that there was no record of payment of the regulatory fee(s) for the following station(s).

WBSL

Bay St. Louis, MS

You were requested to either submit payment, or in the alternative, to submit proof of payment or documentation establishing that you are exempt from the regulatory fee requirement.

Payment of the \$1000 1997 regulatory fee, and the 25% late payment penalty assessed under 47 C.F.R. § 1.1164, are now due. Payment in full of \$1250 should be remitted with the enclosed Form 159 to the Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835, pursuant to instructions on the Form 159. You should also review your records to ensure that payments are made for auxiliary stations associated with the referenced call sign, for any other call signs assigned to you, or for any prior fiscal years for which payments are due. You should submit all payments, together with the 25% late payment penalties, within 30 days from the date of this letter.

You are cautioned that failure to pay the regulatory fees and penalties as described above may subject you to revocation of any existing instrument of authorization, and result in the imposition of further sanctions under 47 C.F.R. § 1.1164. If you have any questions concerning the fees, you may call me at (202) 418-1995.

Sincerely,



Regina W. Dorsey, Chief  
Billings & Collections Branch

Enclosure

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

JUN 12 1998

OFFICE OF  
MANAGING DIRECTOR

HANCOCK BROADCASTING, INC.  
WBSL AM  
1000 BLUE MEADOW ROAD  
BAY ST. LOUIS, MS 39520

-- REF: WBSL --

Dear Gentlemen:

This is the second demand for payment. If payment is not made within 30 days of this letter, or in the alternative, proof of payment or documentation establishing that you are exempt from the regulatory fee requirement, any pending actions for this station will be dismissed, and any subsequent requests for Commission action may be subject to denial.

Payment of the \$1000 1997 regulatory fee, and the 25% late payment penalty assessed under 47 C.F.R. § 1.1164, are now due. Payment in full of \$1250 should be remitted with the enclosed Form 159 to the Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835, pursuant to instructions on the Form 159. You should also review your records to ensure that payments are made for any auxiliary stations associated with the reference call sign, for any other call signs assigned to you, or for any prior fiscal years for which payments are due.

You are advised that failure to pay the regulatory fees and penalties as described above may result in the imposition of further sanctions under 47 C.F.R. § 1.1164. If you have any questions concerning the fees, you may contact me at (202) 418-1995.

Sincerely,



Regina W. Dorsey, Chief  
Billings & Collections Branch

Enclosure

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

September 15, 1998

OFFICE OF  
MANAGING DIRECTOR

DOCKET FILE COPY ORIGINAL

Mr. Leonard C. Mohnkern  
General Manager  
KPYK  
P.O. Box 157  
Terrell, TX 75160

Re: Requests for Refund and Waiver of  
Regulatory Fees  
Fee Control # 9409018835209005  
Fee Paid: \$250  
Fee Control # 9509198835165006  
Fee Paid: \$310  
Fee Control # 9709238835851005  
Fee Paid: \$1600

Dear Mr. Mohnkern:

This is in response to your requests for waiver and refund of the Fiscal Year (FY) 1997 regulatory fee for Class D Radio Station KPYP, Terrell, Texas. The Commission previously denied requests for waivers of the FY 1994 and FY 1995 fees for KPYP finding that the station had a positive cash flow.

You now argue that in denying the requests for waiver of the FY 1994 and FY 1995 regulatory fees, the Commission failed to consider payments on notes to banks for which no deductions were made. You also argue that the owners of the station were forced to contribute money to KPYP in 1996 in order to keep the radio station operating. You further state that none of the owners received any money from the station. While you concede that KPYP made a small profit in 1996, you contend that this was accomplished by cutting service. Finally you assert that the FY 1997 fee is predicated on the proximity of KPYP to Dallas, but that the station does not compete in the Dallas market and it can not afford to pay the FY 1997 regulatory fee.

Congress established the total amount of fees that we are to collect for all services for FY 1997 and our fee schedule is formulated to spread the burden of the total fee requirement equitably among the various categories of fee payers, including broadcast licensees. The FY 1997 regulatory fees for all AM stations were derived by calculating the populations within the 0.5 mV/m contour of each individual station, which is their daytime protected service contour. The 0.5 mV/m contour extends

beyond and includes populations not within a licensee's primary service area. However, as a matter of equity, recalculating a station's service area using a different contour for measuring population would require recalculating the service areas, populations, and fees, at a minimum, for all radio broadcast stations, in order to insure the Commission's ability to collect the required amount in fees and that licensees are treated equally.

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

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

Although you claim that we failed to consider the bank payments in denying your requests for waiver of the FY 1994 and 1995 fees, you failed to itemize those payments in the Statements of Revenue and Expenses included in support of your waiver requests. KPYK's Statement of Assets and Liabilities, however not only lists the Bank notes, but indicates that substantial payments have been made on the notes decreasing the outstanding indebtedness, and that each year there was an increase in stockholder loans to the station. In addition, you also have submitted for the first time, a Cash Flow statement documenting not only depreciation and amortization but also the payments made on the bank notes. KPYK's financial documentation indicates that counting the payments on bank notes, the station had a negative cash flow in 1994 and 1995, but that it made small profit and had a positive cash flow in 1996.

In view of the forgoing we will waive and refund KPYK's 1994 regulatory fee payment of \$250 and its FY 1995 regulatory fee payment of \$310. However, in view of the positive cash flow in 1996, the request for waiver or reduction of the FY 1997 regulator fee is denied.

Mr. Lonard C. Mohnkern

Page 3

KPYK is entitled to an aggregate refund of \$560 for the FY 1994 and FY 1995 regulatory fees. A check, made payable to the maker of the original checks in the amount of \$560, will be sent to you at the earliest practicable time.

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

Sincerely,



Mark Reger  
Chief Financial Officer



**BIG BANDS**  
*Great Singers*  
**KPYK 1570**  
P.O. Box 157, Terrell, TX 75160 (972) 524-5795

---

September 10, 1997

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

Dear Commission Personnel:

This letter is to request that you waive or substantially reduce the regulatory fee assessed on our radio station for 1997. Enclosed please find a copy of the station's financial statements for the last three years.

In prior years when we requested that the fee be waived you replied that we would not have shown a loss except for non cash expenses of amortization and depreciation, but you failed to note that the station had to make payments on notes to banks for which no deduction was made to arrive at the net losses. We have included a schedule for 1996, 1995, and 1994, which reflects the severely impaired cash flows of the station and we believe that these do reflect that payment of the regulatory fee impairs the stations quality of service to the public. The owners were forced to contribute additional funds during 1996 to simply keep the station operating.

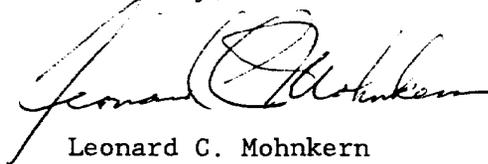
Our current fee is based on being close to the Dallas Texas market but we are located in Kaufman County and serve it only. We do not compete in the Dallas Market and cannot afford to pay the fee at that level. I am the station's general manager, and work full time but receive no compensation. My son, Charles Mohnkern, serves as chief engineer, and two engineer friends assist in the engineering work. None of these receive any compensation. The station's only paid employees receive minimum wage. We respectfully plead for relief from the regulatory fee increase so that the station may continue to exist and serve the local area.

The station showed a small profit in 1996 but this is only due to the fact of reducing service to the public to cut costs. Due to financial hardship the payment of the regulatory fee endangers our station's broadcast of local city council and school board meetings. Half hour weekly interviews of local personalities have already been forced to cancel due to lack of funds. Further reductions will be necessary with the increased fees. The station pays no compensation to its officers/principals. The principals are not profiting from the station and in fact are suffering financially in order to keep the station operating.

We respectfully request that our fee be waived for 1997, because we believe that the station represents extraordinary and compelling circumstances of financial hardship. If the fee cannot be waived we request that it be reduced substantially. Our fee has increased to \$1,600 from \$345 last year.

Federal Communications Commissions  
September 10, 1997  
Page Two

Sincerely,

A handwritten signature in cursive script, appearing to read "Leonard C. Mohnkern". The signature is written in black ink and is positioned above the typed name.

Leonard C. Mohnkern  
General Manager