

## FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 17 1998

OFFICE OF  
MANAGING DIRECTORMr. Joseph P. Ferraro  
WHVW-AM  
316 Main Mall  
Poughkeepsie, N.Y. 12601

86-285

Re: Request for Waiver of Regulatory Fee

Dear Mr. Ferraro:

This is in response to your request for waiver of the Fiscal Year (FY) 1998 regulatory fee for Radio Station WHVW-AM, Hyde Park, New York. You argue that the fee will be a financial hardship.

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

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

10 FCC Rcd at 12761-2762.

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

In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship. Therefore, your request for waiver or reduction of WHVW's regulatory fees is dismissed. Payment of the FY 1998 regulatory fee in the amount of \$750 for Radio Station WHVW is now due. The \$750 should be

Mr. Joseph P. Ferraro

2.

filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. However, in view of your allegations of financial hardship, in lieu of payment, you may refile WHVW's request together with appropriate supporting documentation and a request to further defer payment of the fee, within 30 days from the date of this letter.

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

Sincerely,

  
Mark Reger,  
Chief Financial Officer

Enclosure

9808048835174001

**WHVW**  
**950AM**

The Heart and Soul of American Music

RECEIVED  
JUL 13 7 58 AM '98  
FEES SECTION

Claudette Pride,  
Billing and Collections Branch,  
Federal Communications Commission  
Washington, D.C. 20554

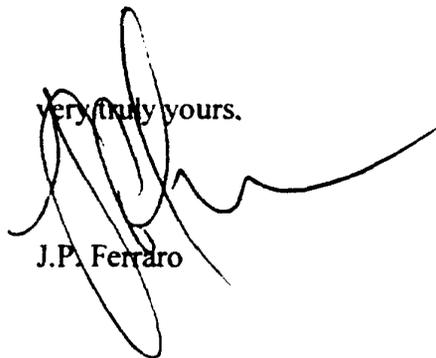
4 July 1998

Dear Ms. Pride

I am writing to request an exemption from the \$ 300.00 late fee due on the regulatory fee of \$1200. The problem with paying the \$ 1200.00 on time was money, and this makes the hardship worse. I am a stand-alone AM, the only stand-alone station in the area. I must compete with multi-station local groups, not to mention signal spill-over from New York City and Albany. Arbitron totals 64 stations for this area in their pre survey list.

I appreciate your assistance in this matter.

Very truly yours,



J.P. Ferraro

# Payment Transactions Detail Report

Date: 9/14/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9808048835174001	FERRARO, JOSEPH P 316 MAIN MALL	FCC19141	08/03/98

POUGHKEEPSIE      NY      12601

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$1,225.00	\$0.00	2	ZZZZ	1	KQO489	FERRARO, JOSEPH P	12601	Y	\$25.00	1	PMT
\$1,225.00	\$0.00	4	ZZZZ	1	KQO489	FERRARO, JOSEPH P	12601	Y	(\$25.00)	1	ADJ
\$1,225.00	\$0.00	1	MGE7	1	WHVW	FERRARO, JOSEPH P	12601	Y	\$1,200.00	1	PMT
\$1,225.00	\$0.00	3	MGE7	1	WHVW	FERRARO, JOSEPH P	12601	Y	(\$1,200.00)	1	ADJ
Total	4								\$0.00		