

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 2 0 1996

(Curran)

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OFFICE OF
MANAGING DIRECTOR

Mr. Kent Bagdasar
Radio Stations KCMN and KCBR
5050 Edison Ave.
Suite 218
Colorado Springs, CO 80915

86-285

Re: Request for Reduction of FY 1997
Regulatory Fees
Fee Control #9709158835159009
Fee Paid: \$2,600.

Dear Mr. Bagdasar:

This is in response to your request for a reduction in the Fiscal Year (FY) 1997 regulatory fees for AM Radio Stations KCMN, Colorado Springs, Colorado, and KCBR, Monument, Colorado. You maintain that the radio stations have populations of about 380,000 people within their city grade contours, but that the Commission attributed service to over 2 million people to KCBR, and service to 673,000 people to KCMN.

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 or city grade 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

Mr. Kent Bagdasar

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station's regulatory fee solely because its population served would be lower had we relied on a different service contour.

You verbally represented to members of the Commission's staff that KCMN and KCBR have comparable service areas as reflected by their FY 1998 fees. However, the FY 1997 regulatory fees and the FY 1998 fees were predicated on different service contours, and the differences in population are attributable to the fact that KCBR operates with 5Kw power while KCMN operates with 3Kw power. Also KCBR operates on lower frequency (1040 KHz) than KCMN (1530 KHz) which also produces a larger service contour for KCBR.

Accordingly, your request for a reduction of the FY 1997 regulatory fees for Radio Stations KCBR and KCMN is denied. 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



5050 Edison Ave.
Suite 218

Colorado Springs,
Colorado 80915
Phone (719) 570-1530
FAX (719) 570-1007

September 11, 1998

Mr. Jerome Remson
Office of General Counsel
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Re: 1997 Regulatory fees for KCMN, Colorado Springs and
KCBR, Monument (Colorado Springs) Colorado

Dear Jerome,

Thank you for spending time with me today on the phone
regarding regulatory fees.

Both KCMN and KCBR are daytime only stations serving the
city of Colorado Springs. KCBR has 2,000 watts of
daytime power and KCMN has 3,000 watts of daytime power
(with only 1,000 watts during "critical hours").

The Colorado Springs city grade population is 380,000 but
the 1997 regulatory fees, the FCC used the following
incorrect population causing both KCMN and KCBR to pay
higher fees than what we should have paid. According to
the FCC 1997 regulatory fee, the population was:

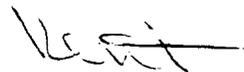
KCBR	2,004,782
KCMN	673,000

We would humbly ask for a refund for our over payment for
1997.

In 1997 KCBR paid \$1,800 and KCMN \$1,000 on regulatory
fees. Would you please consider ~~adjusting~~ adjusting our account
and mail us a refund for the over payment.

Thank you in advance for your time. I can be reached at
949-721-1530.

Sincerely,



Kent Bagdasar
President

