

FEDERAL COMMUNICATIONS COMMISSION ~~DUPLICATE FILE COPY ORIGINAL~~
Washington, D. C. 20554

October 8, 1998

OFFICE OF
MANAGING DIRECTOR

86-285

Mr. T. Herb Steadman, President
Sumiton Broadcasting Co., Inc.
P.O. Drawer 100
Sumiton, AL 35148

Re: Request for Waiver of Regulatory Fee

Dear Mr. Steadman:

This is in response to your request for waiver of the Fiscal Year 1997 regulatory fee and late payment penalty for Radio Station WRSM, Sumiton, Alabama, licensed to Sumiton, 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 March 6, 1998, Sumiton, Broadcasting, Inc. was advised by letter that the Commission had no record of the payment of its FY 1997 regulatory fee for WRSM and that the licensee was to either submit payment or proof of payment. There is no record of a response to the March 6, 1998 letter. It was only after the Commission advised you in a further letter dated April 21, 1998 that payment of the fee and penalty were due, that you filed your waiver request.

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. T. Herb Steadman

2.

Payment of the FY 1997 regulatory fee in the amount of \$600 and the late payment penalty of \$150 for Radio Station WRSM is now due. The aggregate \$750 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
Chief, Financial Officer

Enclosure

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FILE

APR 21 1998

OFFICE OF
MANAGING DIRECTOR

SUMITON BROADCASTING CO., INC.
WRSM AM
P.O. BOX 100
SUMITON, AL 35148

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).

WRSM

Sumiton, AL

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 \$600 1997 regulatory fee, and the 25% late payment penalty assessed under 47 C.F.R. § 1.1164, are now due. Payment in full of \$750 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

000000 BCB-98-053

W R S M Radio

SUMITON BROADCASTING CO., INC.

P.O. Drawer 100

Sumiton, Alabama 35148



(205) 648-3241
(205) 648-3600

June 8, 1998

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

Re: Sumiton Broadcasting Co., Inc.
WRSM AM
Sumiton, Al 35148
Regulatory Fee

To Whom It May Concern:

Correspondence concerning this fee has been forwarded to the above address on two previous dates, without response from the Commission.

The purpose of this letter is to request that the Commission review the amount assessed to WRSM and after so doing, to lower the amount assessed.

- I. WRSM is a 1000 watt daytime only station.
- II. WRSM is licensed to Sumiton, Alabama. Sumiton, Alabama has an average of thirty (30) businesses (open door to the public) at any time. The neighboring city of Dora, Alabama has an average of twenty-eight (28) businesses (open door to the public) at a given time. The two combined total fifty-eight (58), several of which are not subject to advertise.
- III. WRSM is in an area that is heavily affected by coal mining. Coal mining has steadily declined during the past five years in the WRSM coverage area. Since 1990, an 80% loss of jobs has occurred, per the United Mine Workers, District 20, Birmingham, Alabama.
- IV. We submit as proof of our declining revenue a copy of our BMI Annual Statement.
- V. There are other influences, both inside and outside our area, that we will discuss if you deem necessary.
- VI. In summary, we are financially unable to pay the amount assessed WRSM.

Serving East Walker
West Jefferson
South West Point &
South Tallman Counties

RECEIVED
JUN 18 8 27 AM '98
ASSOCIATING DIR.
FINANCIAL OPERATIONS
(MID-FEB)

What tel(2) min...

June 8, 1998

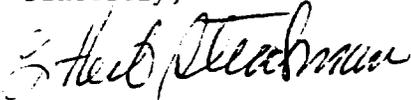
Page 2

*VII. We submit as an inequity the amount assessed to WARF AM, Jasper, Alabama and WZBQ AM Jasper, Alabama. These stations are in the county seat of Walker, are both 1000 watt stations, and were assessed \$400.00. WRSM is in a much smaller bedroom community and we were assessed \$600.00. On another front, WZZK FM, a 100,000 watt station in Birmingham, Alabama was assessed only \$1200.00.

We feel that based on the above information and our financial position, a major adjustment to lower our fee is justified.

If you need any further information, or we can assist you in this matter, please advise.

Sincerely,



T. Herb Steadman
President

*Population:

Sumiton, Alabama	3400+
Dora, Alabama	2500+/-
Jasper, Alabama	15401+

WRSM does not cover Jasper, Alabama.