



PUBLIC NOTICE

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Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

News media information 202 / 418-0500
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Internet: <http://www.fcc.gov>
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DA 99-1329

Before the
Federal Communications Commission
Washington, D.C. 20554

PUBLIC NOTICE

Released: July 7, 1999

FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. On a monthly basis, a public notice of these fee decisions is published in the FCC record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

Arcey Broadcasting, Inc. - Request for waiver or reduction of FY 1998 regulatory fee for WRCW-AM at Canton, OH **Denied** (January 14, 1999) [See implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC RCD 12759 (1995) See also 10 FCC Rcd at 12761-2762]

Columbia Communications Corporation - Review of Application for request for partial waiver of FY 1994 regulatory fee for two Geostationary Space Stations for Columbia Communications Corporation at Bethesda, MD. **Granted** (January 22, 1999.) [See 47 U.S.C. Section 159(d) and 47 CFR Section 1.1166.]

Geotek Communications, Inc. - Request for waiver of FY 1998 regulatory fees for Geotek Communications. **Granted** (January 14, 1999.) [See Implementation of Section 9 of the Communications Act, FCC 95-257, pp 14, released June 22, 1995.]

Goodstar Broadcasting of Kansas - Request for reduction of FY 1997 regulatory fees for Class D Radio Station, KXXX-AM at Colby, KS. **Denied**. (January 11, 1999.)

JLR Communications, Inc. - Request for waiver of FY 1998 regulatory fees for WLQE-FM at Bedford, VA and WVLR-AM at Moneta, VA. **Dismissed**. (January 14, 1999.) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).] See also 10 FCC Rcd at 12761-2762.

KNAK-AM - Request for reduction of FY 1997 regulatory fees for KNAK-AM at Delta, UT. **Dismissed** (January 20, 1999)

Loral SpaceCom Corp. - Request for refund of FY 1998 filing fee for extension to operate the Telestar 5 Spacecraft under Special Temporary Authority (STA). **Granted**. (January 11, 1999) [See Establishment of a Fee Collection Program, 2 FCC Rcd 947, 949 (1987) reconsideration denied, 3 FCC RCD 5987 (1988).]

Mammoth Mountain, F.M. Associates, Inc. - Request for waiver of FY 1998 regulatory fee for construction permit for KRHV-FM at Mammoth Lakes, CA. **Dismissed** (January 20, 1999.) [See Financial Qualifications, 69 FCC 2d 407 (1978).]

Mohawk Valley Broadcasting, Inc. - Request for refund of filing fee for construction permit for Channel 67 TV at Ilion, NY **Granted** (January, 14, 1999.) [See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 947, 950 (1987), reconsidered in part, 3 FCC Rcd 5987, 5988 (1988) See also 47 CFR Section 1.1113(a)(4)]

Northeast Radio, Inc. - Request for waiver of FY 1998 regulatory fees for WCAP-AM at Lowell, MA, and two Auxillary Radio Stations. **Dismissed**. (January 20,

1999.) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994) See also 10 FCC Rcd at 12761-2762]

Peoples Wireless, Inc. - Request for reduction of FY 1998 regulatory fees for KDKO-AM at Littleton, CO. **Denied** (January 26, 1999)

Seven Ranges Radio Co., Inc. - Request for waiver of FY 1998 regulatory fees for WVWV-AM and WRRR-FM. at St. Mary's, WV **Granted** (January 29, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).]

Seymour Communications - Request for reduction of FY 1998 regulatory fees for WJBZ-AM at Knoxville, TN. **Denied** (January 14, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 46 n. 14 (1994).] See also 69 FCC 2d 407 (1978).

Southern Broadcast Corporation of Sarasota - Request for reduction of FY 1998 regulatory fees for Southern Broadcast Corporation- Station WWSB (TV) at Sarasota, FL. **Granted** (January 14, 1999)

Stone Communications, Inc. - Request for waiver and refund of filing fee for WJML-AM at Petoskey, MI **Granted** (January, 14, 1999) [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 5 FCC Rcd 3558, 3572-73 (1990)]

TEMPO Satellite, Inc. - Request for exemption from FY 1998 Direct Broadcast Satellite (DBS) regulatory fees for Non-operational Space Station. **Granted** (January 14, 1999)

Tuscarawas Broadcasting Company - Request for reduction of FY 1998 regulatory fees for Class D Radio Station, WBTC at Uhrichsville, OH. **Denied** (January 28, 1999)

W221AG-FM - Request for waiver of FY 1998 regulatory fees for Translator Station W221AG-FM at Wareham, MA. **Granted** (January 14, 1999)

WLUZ-AM - Request for deferment and waiver of FY 1997 regulatory fees for WLUZ at Bayamon, PR. **Dismissed** (January 14, 1999) Request for waiver and reduction of FY 1998 regulatory fees for WLUZ-AM at Bayamon, PR. **Dismissed** (January 14, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333,

5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).]

Alpine Community Television - Request for waiver of FY 1998 regulatory fees for a Television Translator System at Alpine, AZ **Granted** (February 11, 1999) [See Implementation of Section 9 of the Communications Act, FCC 95-257, Section 16, released June 22, 1995]

BK Radio - Request for refund of FY 1998 application fee for BK Radio-FM at Winona, TX **Granted** (February 9, 1999) [See Implementation of Section 309(j) of the Communications Act - Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 13 FCC Rcd 15920, 15957 (1998) See also 47 CFR Section 1.1113(a)(4)]

DigiTec 2000, Inc. - Request for deferral of FY 1998 regulatory fees for DigiTec 2000, Inc. **Denied** (February 11, 1999.) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995) See also 10 FCC Rcd at 12761-2762]

K&D Spain Partners - Request for refund of filing fee for WKDH (TV) at Houston, MS **Denied** (February 11, 1999) [See 47 CFR Section 1.1113(a)(1); 47 CFR 1.1104(1)(h); and 47 CFR Section 73.3550(b)]

Madison Broadcasting Group, Inc. - Request for deferral of FY 1998 regulatory fee for WLVA-AM at Lynchburg, VA. **Dismissed** (February 11, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995) See also 10 FCC Rcd at 12761-2762]

Morris Communications Corporation - Request for reduction of FY 1998 regulatory fee for WIBW-AM at Topeka, KS. **Granted** (February 11, 1999)

Quarnstrom, Alan - Request for refund of application fee for a new FM station at Siren, WS **Granted** (February 9, 1999) [See Implementation of Section 309(j) of the Communications Act - Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 13 FCC Rcd 15920, 15957 (1998) See also 47 CFR Section 1.1113(a)(4)]

Bergman Broadcasting Co., Inc. - Request for waiver of FY 1995 regulatory fee for KSMX-FM at Portales,

NM. **Granted** (February 1, 1999)

Stone Communications, Inc. - Request for waiver of FY 1998 regulatory fee for WJML-AM at Petoskey, MI. **Denied** (February 5, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995) See also 10 FCC Rcd at 12761-2762]

Sycamore Valley Broadcasting, Inc. - Request for waiver or reduction in FY 1998 regulatory fee for WQSV(AM) at Ashland City, TN **Denied** (February 11, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995) See also 10 FCC Rcd at 12761-2762]

Appalachian Educational Communications Corporation - Request for waiver of FY 1998 regulatory fees for WKCV-AM at Kingsport, TN, and WJFC-AM at Jefferson City, TN. **Granted** (March 19, 1999) [See 47 CFR 1.1162 c]

Clearwater Enterprises, LTD - Request for waiver of FY 1997 regulatory fees and late payment penalties for WHBU-AM at Anderson, IN, and WAXT-FM at Alexandria, IN. **Denied** (March 19, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5345 Section 34 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995) See also 10 FCC Rcd at 12761-2762]

Good News Radio Broadcasting, Inc. - Request for refund of FY 1996 regulatory fees for KVOI-AM at Ora Valley, AZ, and KGMS-FM at Green Valley, AZ **Granted** (March 19, 1999) [See 47 CFR 1.1162 c]

KRZI, Inc. - Request for waiver of FY 1998 regulatory fee for KRZI-AM at Waco, TX and KEYR-FM at Marlin, TX. **Dismissed** (March, 19, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995) See also 10 FCC Rcd at 12761-2762]

Midwest Radio, Inc. - Request for waiver of FY 1998 regulatory fee for KKDM-FM at Des Moines, Iowa. **Dismissed** (March 19, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995) See also 10 FCC Rcd at 12761-2762]

My-Key Broadcasting, Inc. - Request for reduction of FY 1997 regulatory fee for WKZV-AM at Washington, PA. **Denied** (March 4, 1999)

Nationality Broadcasting Network - Request for waiver of FY 1998 regulatory fees for WKTX at Cortland, OH. **Granted** (March 19, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995) See also 10 FCC Rcd at 12761-2762]

Primedia Broadcast Group, Inc. - Request for deferment and reduction of FY 1997 regulatory fees for WOYE-FM, WCOM-FM, WCTA-FM, WIOA-FM, WIOB-FM, WIOC-FM, WOQI-FM, and WZNT-FM at Mayaguez, Puerto Rico. **Dismissed** (March 4, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995) See also 10 FCC Rcd at 12761-2762]

Stratcom LTD. - Request for waiver of FY 1998 regulatory fees for KPCO-AM at Quincy, CA, KBNF-FM at Chester, CA, and FM translator station, K253AA at Susanville, CA. **Granted** (March 19, 1999) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762, Section 14 (1995)]

Valley Communications, Inc. - Request for waiver of FY 1998 regulatory fee for WFXW-AM at Geneva, IL. **Granted** (March 19, 1999) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995) See also 10 FCC Rcd at 12761-2762]

NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE PREPARER, CLAUDETTE PRIDE, CREDIT & DEBT MANAGEMENT CENTER ON (202) 418-1995.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 14 1998

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OFFICE OF
MANAGING DIRECTOR

86-285

Mr. R. D. Colaner
President
Arcey Broadcasting, Inc.
4601 Hills & Dales Road, N.W.
Canton, OH 44708

Re: Request for Waiver of Regulatory
Fee

Dear Mr. Colaner:

This is in response to your request for waiver or reduction of the Fiscal Year (FY) 1998 regulatory fee for Class D AM Radio WRCW, Canton, Ohio. You argue that the regulatory fee is neither fair nor equitable because WRCW is a daytime only station and the fee has no relation to a WRCW's ability to pay it.

As was previously explained in response to your earlier waiver request, the regulatory fee schedule as adopted by Congress, is not based on actual listenership, but rather on the population within each licensee's service contours. Station limitations were considered in assessing the regulatory fees by assigning weighted populations to each station, with higher quality stations being assigned greater weight than other stations which operate either daytime only or nighttime with reduced power. 47 C.F.R. § 73.21; Assessment and Collection of Regulatory Fee for Fiscal 1997, FCC 97-215, ¶¶ 47- 56, released June 26, 1977.

Congress also established the total amount of fees that we are to collect for all services for FY 1998 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. In response to the concerns of our broadcast licensees, FY 1998 regulatory fees are predicated on the population within the city grade contour which each licensee is required to place over its community of license. The Commission also increased the differential in the amount of fees paid by different classes of stations. Thus Class A AM Stations and Class B, C, C1 and C2 FM Stations serving the same populations as Class D Stations, are assessed fees which are approximately twice the amount assessed the Class D Stations.

It is also noted that you maintain that the fee could jeopardize WRCW's ability to serve the public. 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:

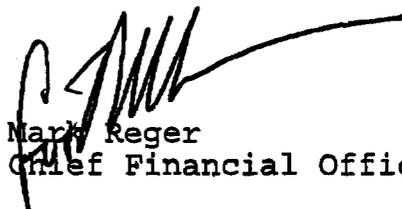
[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and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

Accordingly, in the absence of appropriate documentation you have failed to establish that the fee would create a severe financial hardship, and your request for waiver of the regulatory fee is denied. However, in view of your allegations concerning the impact of the fee on WRCW's ability to serve the public, you may refile your waiver request, supported by appropriate documentation of financial hardship within thirty days from the date of this letter. If you have any questions concerning the fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,


Mark Reger
Chief Financial Officer



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4601 Hills & Dales Road, N.W. Canton, Ohio 44708

FEE SECTION

SEPTEMBER 11, 1998

OFFICE OF THE MANAGING DIRECTOR
FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET NW, ROOM 450
WASHINGTON, D.C. 20554

RE: REGULATORY FEE WAIVER/REDUCTION REQUEST

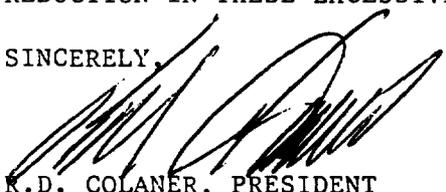
DEAR SIRs:

WRCW IS REQUESTING A WAIVER OF THE 1998 MASS MEDIA REGULATORY FEES AS SET FORTH IN THE FCC PUBLIC NOTICE, PAGE 4, UNDER "WAIVERS, REDUCTIONS & DEFERMENTS OF REGULATORY FEES".

1. BEING A DAYTIMER BY VIRTUE OF OUR FCC LICENSE, RESTRICTING OUR BROADCAST HOURS BY APPROXIMATELY 50% OF COMPETING LICENSEES WITH LOWER FEES, DEFINITELY QUALIFIES AS "EXTRODINARY CIRCUMSTANCES". THE PUBLIC IS NOT SERVED BY A REGULATION FORCING ONE OF NORTHEASTERN OHIO'S MOST DEPENDABLE, RELIABLE OPERATIONS TO CEASE BROADCASTING DURING A LARGE PORTION OF PRIME TIME AND THEN APPLYING DETRIMENTAL FEES FOR THE PURPOSE OF REGULATING THE OPPORTUNITY TO SERVE THE PUBLIC. (EG: NEWS, SPORTS, EMERGENCIES, PUBLIC SERV.)
2. COMPELLING OR FINANCIAL CONQUENCES MUST BE A CONSIDERATION OF EACH STATION'S ABILITY TO PAY BY INCORPORATING A FACTOR OR CONSIDERATION WHICH INCLUDES THE STATION'S ABILITY TO ABSORB THE EXPANDING FEES WITHOUT DETRIMENTAL EFFECTS TO STATION, THEREBY, JEOPARDIZING FUTURE EXISTANCE, COST OF OPERATIONS AND THEIR PRICING TO SMALLER ADVERTISERS WHO, IN TURN, MUST INCREASE THEIR PRICES TO COVER HIGHER COSTS OF ADVERTISING CAUSED BY HIGHER FEES AMOUNTING TO AS MUCH AS 4% OF BILLING TO SMALLER STATION INCOMES AND THEREBY NOT PUBLIC SERVICE. BY VIRTUE OF COMPARISON, IN SOME CASES ABILITY TO PAY COULD VARY AS HIGH AS 50 TO 1* OR MORE, DEFINITELY SURPASSING SAVINGS IN EXCESS OF THE LITTLE AMOUNT BENEFITTED BY PASSING FEES DIRECTLY TO THE STATIONS RATHER THAN A GENERAL TAX TO SUPPORT THE FCC AS IN PREVIOUS YEARS.

WRCW, THEREFORE, REQUESTS CONSIDERATION OF A FEE WAIVER OR AT LEAST A SIGNIFICANT REDUCTION IN THESE EXCESSIVE REGULATION FEES.

SINCERELY,



R.D. COLANER, PRESIDENT
ARCEY BROADCASTING, INC.

CC: SENATOR GLENN, DEWINE, CONGRESSMAN REGULA

* RULES FOR LICENSES AND FEES SANCTION VASTLY DIFFERENT INCOME LEVELS, OFTEN AS HIGH AS A RATIO OF 50 TO 1 OR MORE AND ARE CREATED BY THE COMMISSION'S REGULATIONS AND INFLUENCED BY INCORPORATING NO REAL CONSIDERATION TO EACH STATION'S ABILITY TO PAY ADDITIONAL OVERHEAD WITHOUT CUTTING INTO BUDGETS DETRIMENTAL TO PUBLIC SERVICE OR COMMUNITY BENEFITS.

Payment Transactions Detail Report

Date: 10/26/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9809178835445005	COLANER, RONALD D 4601 HILLS & DALES ROAD NW CANTON OH 44708	FCC2043542	09/16/98

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
\$1,261.00	\$1,261.00	2	MUB8	1	KFU648	COLANER, RONALD D	44708		\$11.00	1	PMT
\$1,261.00	\$1,261.00	1	MDE8	1	WRCW	COLANER, RONALD D	44708		\$1,250.00	1	PMT
Total	2								<u>\$1,261.00</u>		