

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 20 1999

DOCKET FILE COPY ORIGINAL

86-285

OFFICE OF
MANAGING DIRECTOR

Mr. David A. Digerness
President
Mammoth Mountain F.M. Associates, Inc.
P.O. Box 1284
Mammoth Lakes, CA 93546

Request for Waiver of Regulatory Fee
Fee Control # 9809188835192004
Fee Paid: \$1,150

Dear Mr. Digerness:

This is in response to your request for waiver of the Fiscal Year (FY) 1998 regulatory fee for the construction permit for FM Radio Station KRJV. You assert that you have been trying to complete construction of the station since 1989, that you have been unable to get power at the site from the local electric company, and that you have had to construct alternative power facilities. You maintain that the station has produced no income and that operating stations in the area pay lower regulatory fees.

When Congress adopted the annual regulatory fee schedule, it determined that the Commission should collect annual fees for construction permits. 47 U.S.C. § 159. Moreover, as a prerequisite to the grant of a construction permit, applicants must demonstrate that they have the necessary finances to construct and subsequently operate a station for three months without any income. Financial Qualifications, 69 FCC 2d 407 (1978). The fact that KRHV's site is without power was a matter which should have been investigated before you certified your ability to finance the station. Thus, the costs of securing a construction permit and building a station, together with the financial losses sustained during the construction phase when a licensee is not earning income are not a sufficient basis for waiver of KRHV's regulatory fee.

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

1709181735192004

Mammoth Mountain F.M. Associates, Inc.

Post Office Box 1284

Mammoth Lakes, California 93546

760 (619) 934-2591



9/11/98

RE: KRHV
BPH-891228MI

OFFICE OF THE MANAGING DIR.
F.C.C.
1919 M STREET, N.W., RM 450
WASHINGTON, D.C. 20554

DEAR SIR:

I am requesting a regulatory fee waiver for KRHV. We have been working on getting this station on the air since 1989. The original application has had to be modified since there is no power at the site. Originally there was but the power company decided they could not justify the \$1.25 million dollar expense for such a small market. Therefore, we have had to convert to a solar, wind hybrid system at a great expense.

(2)

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106.5 FM

MAMMOTH LAKES, CALIF.

The market we are trying to serve is approximately 8000 people. Very small and hard to justify. Most of the area served is highway where extreme weather conditions persist and the populated areas are threatened by earthquakes and volcano warnings.

KMMT, which is on the air, fee is \$300.00 while KRHV has never produced anything but expenses is \$150.00.

It is becoming more and more difficult to continue with this project because of the increasing expenses.

Please waive the Regulatory Fees!
Thank you for your consideration.

Sincerely,
Dave Digerness
Pres.

Payment Transactions Detail Report

Date: 10/26/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
0009188835192004	DIGERNESS, DAVID A PO 1284 94 LAUREL MTN RD MAMMOTH LAKES CA 93546	FCC2061521	09/17/98

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
\$1,150.00	\$1,150.00	1	MNF8	1	KRHV	DIGERNESS, DAVID A:DIGERNESS,	93546		\$1,150.00	1	PMT
Total									\$1,150.00		