

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

FEB 11 1999

DOCKET FILE COPY ORIGINAL

86-285

OFFICE OF  
MANAGING DIRECTOR

Henry A. Solomon, Esquire  
Haley, Bader & Potts P.L.C.  
4350 North Fairfax Drive  
Suite 900  
Arlington, Virginia 22203-1633

Re: K&D Spain Partners  
WKDH(TV)  
Houston, Mississippi  
Fee Control # 9806238165188004

Dear Mr. Solomon:

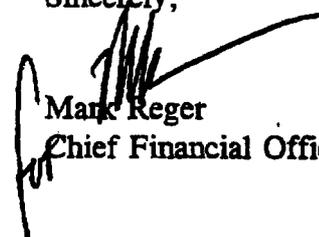
This will respond to your request for refund of the filing fee that you submitted on behalf of K&D Spain Partners ("K&D"), permittee of WKDH(TV), in connection with its call sign request.

You state that the Commission's rules allow a "new permittee for a mass media primary facility to request a call sign without the usual" fee requirement. You thus contend that since K&D was not required to submit the filing fee, it is entitled to a fee refund.

Section 1.1113(a)(1) of the Commission's rules, 47 C.F.R. § 1.1113(a)(1), provides for refund when a particular filing does not require a fee. However, section 1.1104(1)(h) of the Commission's rules, 47 C.F.R. § 1.1104(1)(h), without exception, requires that a call sign request be accompanied by a fee. Moreover, section 73.3550(b) of the Commission's rules, 47 C.F.R. § 73.3550(b), does not exempt a new permittee. Rather, section 73.3550(b) specifically provides that a new permittee will be assigned a call sign, in the event the permittee does not submit a call sign request. Thus, under the circumstances, refund of the filing fee is inappropriate.

Based on the foregoing, your request for refund of the filing fee is denied. If you have any questions concerning this refund, please contact the Chief, Fee Section, at (202)418-1995.

Sincerely,

  
Mark Reger  
Chief Financial Officer

7806250165180007

Holly

LAW OFFICES  
**HALEY BADER & POTTS P.L.C.**  
4350 NORTH FAIRFAX DR., SUITE 900  
ARLINGTON, VIRGINIA 22203-1633  
TELEPHONE (703) 841-0606  
FAX (703) 841-2345  
E-MAIL: haleybp@haleybp.com

HENRY A. SOLOMON  
ADMITTED IN VA AND DC

**RECEIVED**

**JUL 20 1998**

Federal Communications Commission  
Office of Secretary

OUR FILE NO.  
1407-103-66

July 20, 1998

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

**Reference: Fee Control #9806238165788004**  
**Fee Paid: June 23, 1998**

Dear Ms. Salas:

Submitted herewith are an original and four copies of a Petition for  
Fee Refund.

There are any questions in regard to this matter, kindly communicate  
directly with this office.

Respectfully submitted,

**K&D SPAIN PARTNERS**

By



Henry A. Solomon  
Its Attorney

HAS:dh  
Enclosure

RECEIVED

JUL 20 1998

Before The  
**Federal Communications Commission**  
Washington, D.C. 20554

Federal Communications Commission  
Office of Secretary

In The Matter Of )  
 )  
Petition for The Refund of ) Fee Control #9806238165788004  
Call Sign Change Request Fee ) Fee Paid: June 23, 1998  
By K&D Spain Partners )  
 )

TO: Office of Managing Director

**PETITION FOR FEE REFUND**

K&D Spain Partners, ("K&D") permittee of WKDH(TV), Channel 45, Houston, Mississippi, by its attorneys, respectfully files this Petition for Fee Refund of a fee tendered for a call sign request of June 19, 1998. In support hereof, the following is shown:

1. Upon grant on June 18, 1998, of its application for a new TV station at Houston, Mississippi, K&D filed through the appropriate Lockbox Bank a Call Sign Request for the call letters "WKDH". The request was supplemented on June 29, 1998.

2. The Commission's rules allow a new permittee for a mass media primary facility to request a call sign without the usual regulatory fee. K&D, eager to commence construction and other business related functions to the operation of the new facility. K&D filed its request with a \$70.00 filing fee immediately, so as to secure the availability of the said call sign and reduce, if not totally eliminate, any regulatory confusion

regarding the grant and issuance of the construction permit for the facility and the appropriateness of K&D's request for the call sign. The fee was not, of course, required.

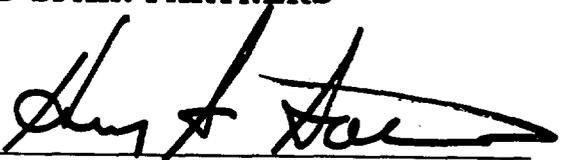
3. The request was granted by the Commission on July 8, 1998, effective July 12, 1998.

4. Based on the foregoing, K&D respectfully requests that the Commission grant K&D a full refund of the call sign request fee.<sup>1</sup>

WHEREFORE, the premises considered, it is respectfully requested that the subject Petition for Fee Refund be granted.

Respectfully submitted,

**K&D SPAIN PARTNERS**

By: 

Henry A. Solomon  
Its Attorney

HALEY BADER & POTTS P.L.C.  
Suite 900  
4350 North Fairfax Drive  
Arlington, VA 22203-1633  
703/841-0606  
July 20, 1998

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<sup>1</sup> Supporting documents

LAW OFFICES  
**HALEY BADER & POTTS P.L.C.**

4350 NORTH FAIRFAX DR., SUITE 900

ARLINGTON, VIRGINIA 22203-1633

TELEPHONE (703) 841-0606

FAX (703) 841-2345

E-MAIL: haleybp@haleybp.com

FCC/MELLON JUN 22 1998

HENRY A. SOLOMON  
ARLINGTON, VA 22203

OUR FILE NO.  
1407-103-66

**STAMP & RETURN  
COPY**

June 19, 1998

Federal Communications Commission  
Mass Media Services  
P.O. Box 358165  
Pittsburgh, PA 15251-5165

Reference: K&D Spain Partners  
File No. BPCT-960827KE  
(NEW-TV), Houston, MS

**CALL SIGN REQUEST**

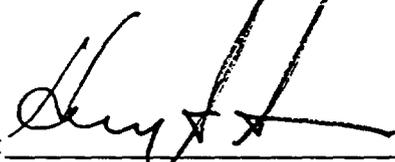
Dear Sir or Madam:

Submitted herewith in triplicate accompanied by a filing fee check for Seventy Dollars (\$70.00), is a request for assignment of a call sign to a new commercial television station at Houston, Mississippi. Included with the request is the requisite Anti-Drug Abuse Certification.

If there are any questions in regard to this matter, kindly communicate directly with this office.

Respectfully submitted,

**K&D SPAIN PARTNERS**

By: 

Henry A. Solomon  
Its Attorney

HAS:dh  
Enclosures

cc: Ms. Alma Hughes (w/encls.)  
Mr. Walter D. Spain (w/encls.)

READ INSTRUCTIONS CAREFULLY  
BEFORE PROCEEDING  
  
(1) LOCKBOX # 358165

FEDERAL COMMUNICATIONS COMMISSION  
**REMITTANCE ADVICE**  
PAGE NO. 1 OF 1

APPROVED BY OMB 3060-058  
SPECIAL USE  
FCC USE ONLY

<b>SECTION A - PAYER INFORMATION</b>		
(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) K&D Spain Partners		(3) TOTAL AMOUNT PAID (dollars and cents) \$ 70.00
(4) STREET ADDRESS LINE NO. 1 P.O. Box 12		
(5) STREET ADDRESS LINE NO. 2		
(6) CITY Tupelo,	(7) STATE MS	(8) ZIP CODE 38802
(9) DAYTIME TELEPHONE NUMBER (include area code) (601) 842-7620	(10) COUNTRY CODE (if not in U.S.A.)	

**IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B  
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)**

<b>SECTION B - APPLICANT INFORMATION</b>		
(11) APPLICANT NAME (if paying by credit card, enter name exactly as it appears on your card)		
(12) STREET ADDRESS LINE NO. 1		
(13) STREET ADDRESS LINE NO. 2		
(14) CITY	(15) STATE	(16) ZIP CODE
(17) DAYTIME TELEPHONE NUMBER (include area code)		(18) COUNTRY CODE (if not in U.S.A.)

**COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEETS (FORM 159-C)**

<b>SECTION C - PAYMENT INFORMATION</b>					
(19A) FCC CALL SIGN/OTHER ID (NEW)	(20A) PAYMENT TYPE CODE (PTC) M B T	(21A) QUANTITY 1	(22A) FEE DUE FOR (PTC) IN BLOCK 20A \$ 70.00	FCC USE ONLY	
(23A) FCC CODE 1		(24A) FCC CODE 2			
(19B) FCC CALL SIGN/OTHER ID	(20B) PAYMENT TYPE CODE (PTC)	(21B) QUANTITY	(22B) FEE DUE FOR (PTC) IN BLOCK 20B \$	FCC USE ONLY	
(23B) FCC CODE 1		(24B) FCC CODE 2			
(19C) FCC CALL SIGN/OTHER ID	(20C) PAYMENT TYPE CODE (PTC)	(21C) QUANTITY	(22C) FEE DUE FOR (PTC) IN BLOCK 20C \$	FCC USE ONLY	
(23C) FCC CODE 1		(24C) FCC CODE 2			
(19D) FCC CALL SIGN/OTHER ID	(20D) PAYMENT TYPE CODE (PTC)	(21D) QUANTITY	(22D) FEE DUE FOR (PTC) IN BLOCK 20D \$	FCC USE ONLY	
(23D) FCC CODE 1		(24D) FCC CODE 2			

<b>SECTION D - TAXPAYER INFORMATION (REQUIRED)</b>											
(25) PAYER TIN 0 6 4 0 8 8 8 5 7 2										(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN B-11 IS DIFFERENT FROM PAYER NAME IN A-2 APPLICANT TIN 0	

<b>SECTION E - CERTIFICATION</b>	
(27) CERTIFICATION STATEMENT I, _____, Certify under penalty of perjury that the foregoing and supporting information are true and correct to the best of my knowledge, information and belief. SIGNATURE _____ (PRINT NAME)	

<b>SECTION F - CREDIT CARD PAYMENT INFORMATION</b>		
(28) MASTERCARD	MASTERCARD/VISA ACCOUNT NUMBER	EXPIRATION DATE
<input type="checkbox"/>		MONTH YEAR
VISA	I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s) authorized hereon described	AUTHORIZED SIGNATURE DATE

CERTIFICATE OF SERVICE

The undersigned, an employee of Haley Bader & Potts P.L.C., hereby certifies that the foregoing document was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered\*, to the following:

Ms. Claudette E. Pride \*  
Federal Communications Commission  
Office of Managing Director  
1919 M Street, N.W. Room 452  
Washington, D.C. 20554

  
Dinah L. Hood

July 20, 1998

# Payment Transactions Detail Report

Date: 8/5/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9806238165188004	K&D SPAIN PARTNERS PO BOX 12 TUPELO MS 38802	FCC2056722	06/22/98

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
\$70.00	\$70.00	1	MBT	1	NEW	K&D SPAIN PARTNERS	38802		\$70.00	1	PMT
<b>Total</b>		<b>1</b>							<b>\$70.00</b>		