

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

FEB 23 2000

CREDIT & DEBIT MANAGEMENT
CENTER, OMD

OFFICE OF
MANAGING DIRECTOR

DOCKET FILE COPY ORIGINAL

86-285

Mr. Todd A. Mohr
Quest Communications, Inc.
P.O. Box 855
Ludington, MI 49431

RE: Request for Waiver of Late Charge
Penalty for FY 1998 Regulatory Fees
Quest Communications, Inc.
Fee Control No. 00000CDMC-99-024
Late Penalty Due: \$152.75

Dear Mr. Mohr:

This is in response to the request for waiver of the late charge penalty for late payment of the Fiscal Year (FY) 1998 regulatory fees, filed on behalf of Quest Communications, Inc ("Quest"). In your request, you state that you gave the check to an employee to mail by September 18, 1998. You note that you are aware the U.S. Postal Service advises that five days should be allowed for delivery of mail. Payment for your annual regulatory fee was due no later than September 18, 1999.

The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25% on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Your request does not indicate or substantiate that Quest met this obligation. Therefore, your request is denied.

A late charge penalty in the amount of \$152.75 was assessed and due on September 19, 1998. The late charge penalty must be filed together with a Form FCC 159 (copy enclosed) within 30 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 penalty and accrued interest pursuant to the provisions of the Debt Collection Improvement Act of 1996.

Mr. Todd A. Mohr

2.

If you have any questions concerning this letter, please call the Credit & Debt Management Center at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Reger", with a large, stylized flourish at the end.

for Mark Reger
Chief Financial Officer

Quest Communications Inc.
PO Box 855
Ludington, MI 49431
December 28, 1998

RECEIVED
JAN 1 11 20 1999
RECEIVED

Federal Communications Commission
Billings & Collections Branch
Washington, DC 20554

Dear Sir or Madam:

This letter is being written in response to your letter dated December 11, 1998 regarding a claimed delinquent payment of my 1998 annual regulatory fee. I am requesting that the late penalty fee of \$152.75 be waived.

Attached is a copy of the cleared check dated 9/17/98. Because I was on vacation from September 11 – 19, 1998, I gave the check to an employee to mail by 9/18/98. Although I do not have proof that the check was mailed on the 18th (I did not know there would be a problem), the check did clear your bank on 9/24/98 (a copy of the back of the check is included). I can only assume the check arrived to the FCC within the 5 business day period the U.S. postal service asks to allow for receipt of mail.

Please consider my request to waive the penalty.

Sincerely,



Todd A. Mohr
President

Enclosure

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

JAN 14 2000

CREDIT & DEBIT MANAGEMENT
CENTER, OMD

OFFICE OF
MANAGING DIRECTOR

DOCKET FILE COPY ORIGINAL

Mr. Roger C. Sherman
Senior Attorney
Sprint PCS
1801 K Street, N.W.
Suite M112
Washington, D.C. 20006

86-285

Dear Mr. Sherman:

Re: Request for Waiver or Reduction of Late Payment Penalty

This is in response to your letter dated December 8, 1999, concerning a request to waive or reduce a late payment penalty for Sprint PCS. This action was requested because Sprint believes that the fine was disproportionate to the harm imposed upon the FCC.

The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25% on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.

We understand that the late payment was the result of a miscalculation, and that Sprint acted promptly to rectify the oversight. However, the Commission's Rules do not make provisions for these circumstances, thus your request is denied.

Payment of the late charge penalty in the amount of \$208,116.50 was correctly assessed, and payment has been received.

If you have any questions concerning this letter, please contact the Regina Dorsey, Chief, Credit & Debt Management Center at (202) 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer



Roger C. Sherman
Senior Attorney

Sprint PCS™

External Affairs
1801 K Street, N.W.
Suite M112
Washington, DC 20006

Telephone: 202 835 3630
Fax: 202 835 2092

Rec'd Tom 12/23/99

December 8, 1999

VIA HAND DELIVERY

Tom
cc: Carla Coroner

*REC'D
DEC 10 9 04 AM '99
ASSOC. MGR. DIVISIONS
FINANCIAL OPERATIONS*

Mr. Mark Reger
Chief Financial Officer
Office of the Managing Director
Room 1A-623
Federal Communications Commission
Washington, D.C. 20554

Re: Request for Waiver or Reduction of Late Payment Penalty

Dear Mr. Reger:

As you suggested during our conference call of November 16, 1999, I am writing to request that the Federal Communications Commission ("FCC" or "Commission") waive or reduce a late payment penalty imposed upon Sprint Spectrum L.P. d/b/a Sprint PCS ("SPCS"), a division of Sprint Corporation ("Sprint" or "Corporation") that offers personal communications services ("PCS") to the public.

Sprint respectfully requests that this penalty be waived because the fine is disproportionate to the harm imposed upon the FCC. In the alternative, Sprint requests that the penalty be reduced to an amount more reflective of the actual harm suffered by the Commission.

Sprint is a significant and conscientious payor of regulatory fees to the Commission. On September 21, 1999, Sprint submitted its annual regulatory fee payment for 1999 via wire transfer in the amount of \$7,921,682.58.00.

On October 2, 1999, Sprint independently determined that due to an internal accounting error, the regulatory fee payment submitted on September 21 did not include an assessment upon Sprint's wireless (PCS) division. Accordingly, on October 5 and 7, 1999, Sprint submitted additional payments via wire transfer totaling \$832,466.00. (Sprint submitted four separate payments that reflect the license holding entities that comprise SPCS.)

On or about October 29, 1999, the FCC's Office of Managing director informed SPCS via letter that it was being assessed a penalty fee of 25 percent for late payment of this portion of Sprint's fee assessment. (The penalty notification letters are attached hereto as Exhibit 1). On November 17, 1999, Sprint submitted a penalty payment in the amount of \$208,116.50 via wire transfer. I have enclosed copies of the relevant FCC remittance forms that accompanied this payment. (Exhibit 2)

Sprint respectfully submits that the 25 percent late penalty assessed upon its payments of October 5 and 7, 1999, is excessive. As a significant payor of regulatory fees, Sprint has established a record of timely payment. Due to an internal accounting error resulting from the Corporation's integration of its PCS properties, this year's payment was miscalculated. Although this miscalculation should have been avoided, Sprint acted immediately to correct its mistake as well as take steps to avoid similar problems in the future.

Sprint is aware that the Commission's rules grant very limited discretion to remedy the penalties associated with late payment of regulatory fees. Nevertheless, Sprint requests that the Commission view the circumstances described above as a miscalculation and subsequent good-faith correction rather than a late or insufficient payment.

If the Office of the Managing Director is unable or unwilling to waive the penalty payment of \$208,116.50, Sprint suggests that the amount be reduced in proportion to the actual harm suffered by the FCC. More specifically, Sprint would be willing to pay an appropriate interest-based penalty to compensate the Commission for the two weeks it was without the \$832,466 paid by SPCS. Sprint would welcome the opportunity to discuss other methods of calculating an appropriate penalty.

In asking for the above-described waiver or reduction of the 25 percent late payment penalty imposed upon Sprint, the Corporation is not seeking to excuse its mistake. Sprint accepts responsibility for the error and has taken measures to ensure that it will not occur again. Instead, Sprint respectfully requests that the Commission use as much discretion as available to avoid the imposition of excessive fines in situations where carriers admit a miscalculation and clearly are not seeking to evade required payments.

Mark Reger
December 8, 1999
Page 3

Thank you for your consideration of this important matter. Sprint would welcome the opportunity to discuss this matter in more detail if necessary. Please let me know if I can provide you with additional information.

Sincerely,

A handwritten signature in cursive script that reads "Roger C. Sherman". The signature is written in black ink and is positioned above the printed name.

Roger C. Sherman

Enclosures

cc: Mary Beth Richards, Office of Managing Director

EXHIBIT 1

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR



COX COMMUNICATIONS PCS L P
C/O COX COMMUNICATIONS PCS L P
6500 SPRINT PARKWAY
OVERLAND PARK KS 66251

OCT 29 1999

Re: Bill No. 2000-9-0411

Dear Applicant:

This letter is notice that you were late paying your 1999 annual regulatory fee(s). Payment of regulatory fees was due to the Federal Communications Commission (FCC) by midnight, September 22, 1999. Your fee payment of \$102,978.00 was received October 5, 1999.

In accordance with Section 9 [47 USC 159(c)(1)], a 25 percent late penalty in the amount of \$25,744.50 has been assessed. Unless you can show just cause why the penalty is inapplicable, payment is due within 20 days from the date of this letter.

Payment should be sent to the Federal Communications Commission, Regulatory Fees, P.O. Box 358835, Pittsburgh, PA 15251-5835. Write the above Bill Number on your remittance, and send it with the enclosed FCC Form 159 (Remittance Advice). The Payment Type Code has been entered on the Form 159 for your convenience. Please complete this form, and enter the Bill Number in Block 19A.

If you have any documentation that will establish that the fee was remitted and received at Mellon Bank by September 22, 1999, such as a carrier dated receipt, please include this documentation with your response so that we can clear your record(s).

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined in 47 CFR, Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why any existing instruments of authorization should not be revoked. Further sanctions include interest charges, and the full cost of collection to the Federal government pursuant to Section 3720A of the Internal Revenue Code, 31 USC 3717, and the provision of the Debt Collection Improvement Act, 31 USC 3717.

If you have any questions, you may contact my office at (202) 418-1995.

Sincerely,

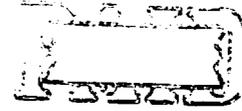
Regina W. Dorsey, Chief
Credit & Debt Management Center

Enclosure

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

SPRINT SPECTRUM L P
C/O SPRINT SPECTRUM L P
6500 SPRINT PARKWAY
OVERLAND PARK KS 66251



1999

Re: Bill No. 2000-9-0413

Dear Applicant:

This letter is notice that you were late paying your 1999 annual regulatory fee(s). Payment of regulatory fees was due to the Federal Communications Commission (FCC) by midnight, September 22, 1999. Your fee payment of \$612,606.00 was received October 5, 1999.

In accordance with Section 9 [47 USC 159(c)(1)], a 25 percent late penalty in the amount of \$153,151.50 has been assessed. Unless you can show just cause why the penalty is inapplicable, payment is due within 20 days from the date of this letter.

Payment should be sent to the Federal Communications Commission, Regulatory Fees, P.O. Box 358835, Pittsburgh, PA 15251-5835. Write the above Bill Number on your remittance, and send it with the enclosed FCC Form 159 (Remittance Advice). The Payment Type Code has been entered on the Form 159 for your convenience. Please complete this form, and enter the Bill Number in Block 19A.

If you have any documentation that will establish that the fee was remitted and received at Mellon Bank by September 22, 1999, such as a carrier dated receipt, please include this documentation with you response so that we can clear your record(s).

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined in 47 CFR, Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why any existing instruments of authorization should not be revoked. Further sanctions include interest charges, and the full cost of collection to the Federal government pursuant to Section 3720A of the Internal Revenue Code, 31 USC 3717, and the provision of the Debt Collection Improvement Act, 31 USC 3717.

If you have any questions, you may contact my office at (202) 418-1995.

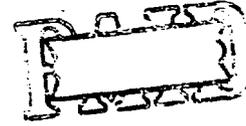
Sincerely,

Regina W. Dorsey, Chief
Credit & Debt Management Center

Enclosure

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR



SPRINT COM INC
C/O SPRINT COM INC
6500 SPRINT PARKWAY
OVERLAND PARK KS 66251

OCT 29 1999

Re: **Bill No. 2000-9-0475**

Dear Applicant:

This letter is notice that you were late paying your 1999 annual regulatory fee(s). Payment of regulatory fees was due to the Federal Communications Commission (FCC) by midnight, September 22, 1999. Your fee payment of **\$33,927.00** was received October 7, 1999.

In accordance with Section 9 [47 USC 159(c)(1)], a 25 percent late penalty in the amount of **\$8,481.75** has been assessed. Unless you can show just cause why the penalty is inapplicable, payment is due within 20 days from the date of this letter.

Payment should be sent to the Federal Communications Commission, Regulatory Fees, P.O. Box 358835, Pittsburgh, PA 15251-5835. Write the above Bill Number on your remittance, and send it with the enclosed FCC Form 159 (Remittance Advice). The Payment Type Code has been entered on the Form 159 for your convenience. Please complete this form, and enter the Bill Number in Block 19A.

If you have any documentation that will establish that the fee was remitted and received at Mellon Bank by September 22, 1999, such as a carrier dated receipt, please include this documentation with your response so that we can clear your record(s).

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined in 47 CFR, Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why any existing instruments of authorization should not be revoked. Further sanctions include interest charges, and the full cost of collection to the Federal government pursuant to Section 3720A of the Internal Revenue Code, 31 USC 3717, and the provision of the Debt Collection Improvement Act, 31 USC 3717.

If you have any questions, you may contact my office at (202) 418-1995.

Sincerely,


Regina W. Dorsey, Chief
Credit & Debt Management Center

Enclosure

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR



AMERICAN PCS COMMUNICATIONS LL
C/O AMERICAN PCS COMMUNICATIONS LL
6500 SPRINT PARKWAY
OVERLAND PARK KS 66251

OCT 29 1999

Re: Bill No. 2000-9-0408

Dear Applicant:

This letter is notice that you were late paying your 1999 annual regulatory fee(s). Payment of regulatory fees was due to the Federal Communications Commission (FCC) by midnight, September 22, 1999. Your fee payment of **\$82,955.00** was received October 5, 1999.

In accordance with Section 9 [47 USC 159(c)(1)], a 25 percent late penalty in the amount of **\$20,738.75** has been assessed. Unless you can show just cause why the penalty is inapplicable, payment is due within 20 days from the date of this letter.

Payment should be sent to the Federal Communications Commission, Regulatory Fees, P.O. Box 358835, Pittsburgh, PA 15251-5835. Write the above Bill Number on your remittance, and send it with the enclosed FCC Form 159 (Remittance Advice). The Payment Type Code has been entered on the Form 159 for your convenience. Please complete this form, and enter the Bill Number in Block 19A.

If you have any documentation that will establish that the fee was remitted and received at Mellon Bank by September 22, 1999, such as a carrier dated receipt, please include this documentation with your response so that we can clear your record(s).

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined in 47 CFR, Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why any existing instruments of authorization should not be revoked. Further sanctions include interest charges, and the full cost of collection to the Federal government pursuant to Section 3720A of the Internal Revenue Code, 31 USC 3717, and the provision of the Debt Collection Improvement Act, 31 USC 3717.

If you have any questions, you may contact my office at (202) 418-1995.

Sincerely,

Regina W. Dorsey, Chief
Credit & Debt Management Center

Enclosure

EXHIBIT 2

0-C

25,744.50 +
153,151.50 +
8,481.75 +
20,738.75 +
208,116.50 T



Payment Search Detail

Fee Control Number	Payer Name	Payment Amt	Disb Amt
9909088160273002	DOW LOHNES & ALBERTSON	\$185.00	\$0.00
9909238835173001	COX COMMUNICATIONS INC	\$225,976.24	\$0.00
9910068835710002	COX COMMUNICATIONS PCS I	\$102,978.00	\$0.00
9911028150373008	TECHNOLOGIES MANAGENEN	\$500.00	\$0.00
9911188835714003	COX COMMUNICATIONS PCS I	\$25,744.50	\$0.00
9912088115173001	DOW LOHNES & ALBERTSON	\$780.00	\$0.00

Sequence	Quantity	Payment Type Code	Payment Amount	Trans Code	Call Sign Other Id	Treasury Symbol
1	1	FINE	\$25,744.50	PMT		27X6088

- Credit Card Info
- Payoff
- Bad Check Info
- Change Info
- Acct Info
- Also Show VET transactions
- Move to Unapped
- FCC Code Info
- Applicant Info
- Treasury Info
- Ability Payment
- Class

Payment Search Detail

Fee Control Number	Payor Name	Payment Amt	Unapplied Amt
9806178115102001	MORRISON & FOERSTER LLP	\$745.00	\$0.00
9809218835025015	SPRINT SPECTRUM L P	\$153,645.19	\$0.00
9910068835710003	SPRINT SPECTRUM L P	\$612,606.00	\$0.00
9911158115812001	SPRINT SPECTRUM L P	\$780.00	\$0.00
9911188835714004	SPRINT SPECTRUM L P	\$153,151.50	\$0.00
9912078115817001	SPRINT SPECTRUM L P	\$780.00	\$0.00

- Credit Card Info
- Payor Info
- Bad Check Info
- Changer Info
- Acct Info
- Also Show JVD transactions
- Move to Unapplied
- FCC Code Info
- Applicant Info
- Treasury Info
- Modify Payment
- Close

Sequence	Quantity	Payment Type Code	Payment Amount	Trans Code	Call Sign Other Id	Treasury Symbol
1	1	FINE	\$153,151.50	PMT	280090413	27X6088

Payment Search Detail

Fee Control Number	Payor Name	Payment Amt	Overdue Amt
9911088150382001	SPRINT COMMUNICATIONS C	\$630.00	\$0.00
9911158150390003	SPRINT COMMUNICATIONS C	\$630.00	\$0.00
9911188835714001	SPRINT COM INC	\$8,481.75	\$0.00
9911228150409005	SPRINT COMMUNICATIONS C	\$630.00	\$0.00
9912018150423004	SPRINT COMMUNICATIONS C	\$630.00	\$0.00
9912068150429001	SPRINT COMMUNICATIONS C	\$630.00	\$0.00

- Credit Card Info
- Payor Info
- Bad Check Info
- Changer Info
- Acct Info
- Also Show Trd Transactions
- Move to Unapplied
- FCC Code Info
- Applicant Info
- Treasury Info
- Modify Payment
-

Sequence	Quantity	Payment Type Code	Payment Amount	Trans Code	Call Sign Other Id	Treasury Symbol
1	1	FINE	\$8,481.75	PMT	280090475	27X6088



Payment Search Detail

Payment Number	Payment Name	Payment Amount	Balance
9712018195277001	EDVINGTON, BUBBING	\$280.00	\$0.00
9712088115489004	EDVINGTON, BUBBING	\$245.00	\$0.00
9712088150025017	EDVINGTON, BUBBING	\$50.00	\$0.00
9809218835027017	AMERICAN PCS COMMUNICAT	\$70,020.75	\$0.00
9910068835710001	AMERICAN PCS COMMUNICAT	\$82,953.00	\$0.00
9911188835714002	AMERICAN PCS COMMUNICAT	\$20,738.75	\$0.00

Sequence	Quantity	Payment Type Code	Payment Amount	Trans Code	Call Sign	Treasury Symbol
1	1	PMF	\$20,738.75	PMF	28836488	27X6088

- Credit Card Info
- EXCISE
- Bad Check Info
- CHARGE
- AGENCY
- Also Show All Transactions
- Move to Unapplied
- FCC Code Info
- Applicant Info
- Treasury Info
- Modify Payment
- Print