

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

86-285  
CREDIT & DEBIT MANAGEMENT  
Group ~~XXXX~~ OMD

MAY 22 2000

OFFICE OF  
MANAGING DIRECTOR

James Keane, President  
KAPS Radio  
2029 Freeway Drive  
Mount Vernon, WA 98273

RE: Request for Waiver of Late Charge  
Penalty for FY 1998 Regulatory Fees  
KAPS  
Fee Control No. 9811038835834001

Dear Mr. Keane:

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 KAPS. You request that we waive the late penalty charge. You state and document that your Form 159 and fee payment, through providing a VISA credit card number, were received by Mellon Bank on September 18, 1998. Your submission would have been timely, but VISA declined payment. You further state, but do not document, that when informed of the failure of payment, you called VISA and were told that funds were available and to resubmit the charge, which was then honored.

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 substantiate fully that KAPS met this obligation. Therefore, your request is denied at this time.

The Commission's rules, however, do provide that if "a fee payment fails due to error by the payor's bank, as evidenced by an affidavit of an officer of the bank, the date of the original submission will be considered the date of filing." 47 CFR § 1.1164. Therefore, within 30 days from this letter, you may submit an affidavit of an officer of the bank with which you had the VISA account in September 1998 stating that it was *that bank's error* that the payment failed when originally charged.

Payment of the late charge penalty in the amount of \$505.50 was assessed and due on September 19, 1998. Within 30 days of the date of this letter, you must submit an affidavit as described above or you must file the late charge penalty together with a Form

Mr. James Keane

2.

FCC 159 (copy enclosed). 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.

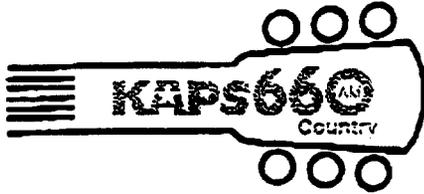
If you have any questions concerning this letter, please call the Credit & Debt Management Group at 418-1996.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Reger", written over a large, light-colored oval shape.

Mr Mark Reger  
Chief Financial Officer

9811038835834001



FCC  
MANAGING DIRECTOR  
445 12ST STREET SW  
WA. D.C. 20554

2-10-99

REQUEST FOR WAIVER

AS YOU CAN SEE FROM THE ENCLOSED COPY OF THE REMITTANCE  
ADVICE, THE FORMS AND FEES WERE RECEIVED BY THE 9-18-98  
DEADLINE.

WHEN I WAS NOTIFIED THAT THE CREDIT CARD WAS REJECTED, I CALLED  
VISA AND WAS TOLD THE FUNDS WERE AVAILABLE AND TO RESUBMIT,  
WHICH I DID. IF I WOULD HAVE BEEN NOTIFIED ON THE 18TH THAT  
THERE WAS A PROBLEM WE COULD HAVE RESUBMITTED ON THE 18TH.

WE FILED IN GOOD FAITH IN A TIMELY MANOR AND FEEL THE PENALTY  
SHOULD BE WAIVED. IF YOU CHECK OUR RECORD, I DON'T THINK WE  
HAVE EVER FILED A LATE FCC FORM OR FEE OVER THE LAST 20 YEARS. A  
PENALTY OF THIS MAGNITUDE WOULD BE AN EXCESSIVE BURDEN ON A  
STAND ALONE AM STATION WHOSE INTENTIONS WERE TO COMPLY, AS  
CAN BE SEE.

SINCERELY,

*Jim Keene Pres*

ATTENTION CAREFULLY  
PROCEEDING

APPROVED BY OMB 3060-0589

FEDERAL COMMUNICATIONS COMMISSION  
REMITTANCE ADVICE

SPECIAL USE  
FCC USE ONLY  
SEP 18 1998

(1) LOCKBOX # 358835

PAGE NO \_\_\_\_\_ OF \_\_\_\_\_

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, show name exactly as it appears on your card) KEANE, JAMES J.		(3) TOTAL AMOUNT PAID (dollars and cents) 2,022.00
(4) STREET ADDRESS LINE NO. 1 P.O. Box 70		
(5) STREET ADDRESS LINE NO. 2		
(6) CITY MOUNT VERNON	(7) STATE WA	(8) ZIP CODE 98273
(9) DAYTIME TELEPHONE NUMBER (include area code) 360 724-7676	(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)

SECTION B - APPLICANT INFORMATION

(11) APPLICANT NAME (if paying by credit card, show name exactly as it appears on your card) VALLEY BROADCASTERS, INC.		
(12) STREET ADDRESS LINE NO. 1 P.O. Box 70		
(13) STREET ADDRESS LINE NO. 2		
(14) CITY MOUNT VERNON	(15) STATE WA	(16) ZIP CODE 98273
(17) DAYTIME TELEPHONE NUMBER (include area code) 360-424-7676	(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)

SECTION C - PAYMENT INFORMATION

(19A) FCC CALL SIGNOTHER ID KARS	(20A) PAYMENT TYPE CODE (PTC) M B E 8	(21A) QUANTITY 1	(22A) FEE DUE FOR (PTC) IN BLOCK 20A 2,000	FCC USE ONLY
(23A) FCC CODE 1 660	(24A) FCC CODE 2 WA MOUNT VERNON			
(19B) FCC CALL SIGNOTHER ID KPF 824	(20B) PAYMENT TYPE CODE (PTC) M U B 8	(21B) QUANTITY 1	(22B) FEE DUE FOR (PTC) IN BLOCK 20B 11.50	FCC USE ONLY
(23B) FCC CODE 1	(24B) FCC CODE 2			
(19C) FCC CALL SIGNOTHER ID KPF 822	(20C) PAYMENT TYPE CODE (PTC) M U B 8	(21C) QUANTITY 1	(22C) FEE DUE FOR (PTC) IN BLOCK 20C 11.50	FCC USE ONLY
(23C) FCC CODE 1	(24C) FCC CODE 2			
(19D) FCC CALL SIGNOTHER 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			

SECTION D - TAXPAYER INFORMATION (REQUIRED)

(25) PAYER TIN 0532382401	(26) COMPLETE THIS BLOCK ONLY IF APPLICANT NAME IN D-11 IS DIFFERENT FROM PAYER NAME IN A-2 APPLICANT TIN 0911010724
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SECTION E - CERTIFICATION

(27) CERTIFICATION STATEMENT:  
JIM KEANE, 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 Jim Keane

SECTION F - CREDIT CARD PAYMENT INFORMATION

(28) MASTERCARD	MASTERCARD/USA ACCOUNT NUMBER: 4190087719387812	EXPIRATION DATE: 0700
VISA	I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s) authorized herein described.	AUTHORIZED SIGNATURE: Jim Keane DATE: 9-15-98

2029 Freeway Drive, Mount Vernon, WA 98273  
Phone 1-360-424-0660 FAX 1-360-424-1660

**KAPS Radio  
660AM**

# Fax

**To:** *Claudia Prida* **From:** *Jim Keane*  
**Fax:** *202 418 2843* **Pages:** *3*  
**Phone:** **Date:** *1-6-00*  
**Re:** *Waiver* **CC:**

Urgent     For Review     Please Comment     Please Reply     Please Recycle

# Payment Transactions Detail Report

Date: 01/07/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9811038836834001	KEANE, JAMES J PO BOX 70	FCC2043701		0/30/1998 00:00:0							
	MOUNT VERNON WA 98273										
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
\$2,022.00	\$2,022.00	1	MBE8	1	KAPS	VALLEY BROADCASTERS INC	98273		\$2,000.00	2	PMT
\$2,022.00	\$2,022.00	3	MUB8	1	KPF822	VALLEY BROADCASTERS INC	98273		\$11.00	2	PMT
\$2,022.00	\$2,022.00	2	MUB8	1	KPF824	VALLEY BROADCASTERS INC	98273		\$11.00	2	PMT
<b>Total</b>		<b>3</b>							<b>\$2,022.00</b>		