

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

AUG 1 2000

OFFICE OF
MANAGING DIRECTOR

86-285

D. Robert Eddy
President, Seven Ranges Radio Co., Inc.
P.O. Box 374
Greens Run Road
St. Marys, WV 26170

RE: Request for Waiver of Mass Media Regulatory Fee,
Seven Ranges Radio Co., Inc. Radio stations
WVWV-AM and WRRR-FM, St. Marys, WV
Fee Control Number: 00000CDMC-99-006

Dear Mr. Eddy:

We reviewed your request dated September 16, 1999, on behalf of Seven Ranges Radio Co., Inc, to waive the regulatory fees for fiscal year 1999 applicable to both WVVM and WRRR. We denied your request because it does not meet our standards, and because you did not comply with procedural requirements.

Title 47, United States Code, section 159(d) grants the Commission authority to waive the fee "in any specific instance for good cause shown, where such action would promote the public interest." The authority to waive fees is narrowly defined (*See Conference Report, H.R. Rep. No. 453, 99th Cong., 1st Sess. 423*), and it rests upon an established standard with two elements: whether an extraordinary or compelling reason has been demonstrated; and would the waiver of the fee override the public interest to collect the fee. The Commission's implementing rules are at 47 CFR §1.1166.

Commission rules require that the fee accompany the request for waiver except in situations where the request includes a petition to defer payment due to financial hardship, supported by appropriate documentation. You did not provide the fee, the required Form 159, or request that the Commission defer the payment pending our determination on your request for waiver. Failure to comply with the procedural requirement is a basis to dismiss the request. Nonetheless, when we considered the merits of your petition we found that it did not establish good cause for the waiver and it did not demonstrate that such waiver would promote the public interest. Each regulatee must properly document a request for waiver that will be evaluated against the Commission's standard.

Petitioners seeking a waiver, deferral or reduction of a regulatory fee based on financial hardship may submit any relevant information in support of their request. We will review the supporting documents and base our ruling upon

information submitted and any additional information available in our records. If petitioner presents a compelling case of financial hardship, no payment of the regulatory fee will be due. If the supporting materials do not present sufficient evidence of hardship, we will deny the petition. If the fee has not already been submitted, the petitioner will have 30 days to file its regulatory fee in order to avoid the assessment of penalty charges and the invocation of any other available remedy. The filing of a petition for reconsideration will not toll this 30 day period.

R&O, *In re Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346, at ¶ 35 (Jun 8, 1994). Later in response to requests for clarification, we explained:

We will grant waivers of the fees on a sufficient showing of financial hardship. Mere allegations or documentation of financial loss, standing alone, will not support a waiver request. Rather we will grant a waiver only when the impact of the regulatory fee will affect a regulatee's ability to serve the public. It will be incumbent upon each regulatee to fully document its financial position and show it lacks sufficient funds to pay the regulatory fees and to maintain its service to the public.

Memorandum Opinion and Order, *In re Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, at ¶ 13 (Jun 22, 1995).

We compared your tax returns for 1997 and 1998, and your financial statement for the first half of 1999 against the standard. You did not demonstrate that paying the regulatory fee for WVVM or WRRR, or both stations would affect the ability of either or both stations to maintain service to the public. Your financial statement for 1999 shows increases in receipts and a reduction in salary expenses, but unexplained increases in other areas.

We denied your requests because you did not comply with our procedural requirements and you did not establish financial hardship within the Commission standard. Your fees for fiscal year 1999 (\$1,100) must be filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. If you have any questions, please contact the Credit & Debt Management Group at (202) 418-1995.

Sincerely,



for
Mark A. Reger
Chief Financial Officer

WVWV AM 630

The Valley's Voice of Worship

Sept. 16, 1999

Office Of The Managing Director
FCC
445 12th St., SW, Room 1-A625
Washington, DC 20554

REQUEST FOR WAIVER OF 1999 REGULATORY FEES FOR WVWV (AM) & WRRR-FM

Seven Ranges Radio Co., Inc. licensee of WVWV (AM) and WRRR-FM requests a waiver of the 1999 Regulatory Fees.

Seven Ranges has operated these stations at a loss for several years; stockholders have continued to put money into the company from their own pockets to keep the stations operating.

Please find enclosed copies of income statement for the first 6 months of 1999, and tax returns for 1998 and 1997. These represent the total sales receipts of both stations.

Sincerely,

D. Robert Eddy
D. Robert Eddy

President

Seven Ranges Radio Co., Inc.
304-684-3400