

OCT 18 2000

OFFICE OF
MANAGING DIRECTOR

86-285

James R. Livesay II
President
Mattoon Broadcasting Co. and Cornbelt Broadcasting Co.
P.O. Box 1848
North Route 45
Mattoon, IL 61938

RE: Request for Waiver of Regulatory Fee, Late Fee
Mattoon Broadcasting Co., Mattoon, IL
Cornbelt Broadcasting Co., Clinton, IL
Fee Control Nos. 9909278835434005 and
9909278835434003

Dear Mr. Livesay:

This is in response to your request on November 6, 1999, to waive regulatory late fees of \$287.50 and \$506.25 imposed because your payments were late.

Title 47, United States Code, section 159(c) and Commission rule 47 CFR §1.1164 impose a penalty for untimely payment equal to 25% of the amount of the regulatory fee. The penalty may be excused only where the delay resulted from bank error "as evidenced by an affidavit of an officer of the bank" (47 CFR §1.1164(b)).

We do not question that you intended to pay the fees on time, or that you believed the mail would arrive at Pittsburgh within the allowed time. Underestimated or generally longer than expected mail transit time is not an excusable event for the waiver of the penalty. Accordingly, the Commission denies your request for a waiver. Please pay the required late penalties of \$793.75 within 30 days from the date of this letter. If you have any questions concerning this letter, please contact the Credit & Debt Management Group at (202) 418-1995.

Sincerely,



for
Mark A. Reger
Chief Financial Officer

Tom / Clarke
Acting
R
11/18

November 6, 1999

Federal Communications Commission
Attn: Regina W. Dorsey, Chief
Credit & Debt Management Center
445 12th Street, S.W.
Washington, D. C. 20554

Re: Bill No. 2000-9-0025 Cornbelt Broadcasting Co.
Bill No. 2000-9-0063 Mattoon Broadcasting Co.

Dear Ms. Dorsey:

If it had been my intent to submit fees late, they would have yet to be mailed.

As I can ill-afford to employ the services of a communications attorney to respond to your recent directive, I am writing on behalf of radio stations WLBH AM/FM and WHOW AM/FM which are licensed to the small, rural communities of Mattoon and Clinton, Illinois, respectively.

I was shocked to receive your letter dated October 29th which stated I was late in paying 1999 annual regulatory fees because the FCC received my payments on September 23rd instead of by midnight September 22, 1999. We are talking about a matter of minutes or hours here, not days.

PLEASE, PLEASE, PLEASE, Ms. Dorsey. Surely, the time of the Federal Communications Commission and the broadcasting industry is much too valuable to devote to such matters as to whether a fee payment arrived just before or just after midnight on a certain date.

I personally deposited the fee payments in question in the U. S. Postal Service system with sufficient First Class postage at the Mattoon, Illinois, postal facility on September 20, 1999, addressed properly to the FCC collection point in Pittsburgh, PA, as instructed. The outer envelope will verify this claim.

Obviously, after mailing, no correspondent has control over the exact time the U. S. Postal Service will make delivery to the proper destination receptacle.

I sincerely respect the rules and regulations of the FCC and its dedicated staff and do my very best on a daily basis to adhere to all the instructions of the Commission in serving the public interest, convenience and necessity.

Federal Communications Commission
Attn: Regina W. Dorsey, Chief
Credit & Debt Management Center

November 6, 1999
Page 2

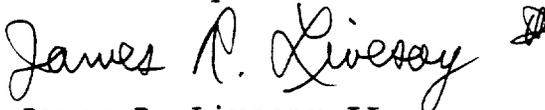
As a small-market broadcaster, I made a good faith effort to pay this year's regulatory fees in a timely fashion and only regret you have taken the position to assess a fine as a result of so doing.

I wish to reiterate, if it had been my intent to cause a late submission of the annual regulatory fees for WLBH AM/FM in the amount of \$2,025.00 and WHOW AM/FM in the amount of \$1,150.00, they would not yet be mailed.

Because of these circumstances, in all fairness and with a little compassionate understanding, I very respectfully request that the Commission consider waiving the 25 percent late penalties in the amounts of \$506.25 for WLBH AM/FM and \$287.50 for WHOW AM/FM.

Thanking you in advance for your attention to this matter, I remain

Yours truly,



James R. Livesay II
President
Mattoon Broadcasting Co.
Cornbelt Broadcasting Co.

Ph.: 217-234-6464

Enclosures

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

Received
11/4/99
Envelope checked
Postage paid
11/1/99

DIRECTOR

CORNBELT BROADCASTING COMPANY
C/O CORNBELT BROADCASTING COMPANY
R R 2 BOX 117M
SOUTH ROUTE 51
CLINTON IL 61727

Re: **Bill No. 2000-9-0025**

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 \$1,150.00 was received September 23, 1999.

In accordance with Section 9 [47 USC 159(c)(1)], a 25 percent late penalty in the amount of \$287.50 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

Cornbelt Broadcasting Co.
WHOW AM & FM
R. R. 2, Box 117M
Clinton, IL 61727

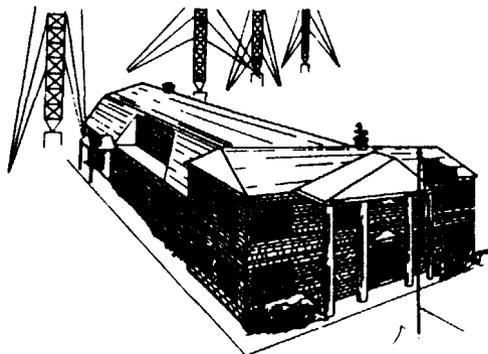


Federal Communications Commission
Regulatory Fees
P. O. Box 358835
Pittsburgh, PA 15251-5835

WLBH

WLBH-FM

Mattoon Broadcasting Co.



P.O. Box 1848
MATTOON, ILLINOIS 61938

COPY

Federal Communications Commission
Regulatory Fees
P. O. Box 358835
Pittsburgh, PA 15251-5835



Payment Transactions Detail Report

Date: 12/17/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name				Fcc Account Number	Payer TIN	Received Date				
9909278835434003	MATTOON BROADCASTING COMPANY PO BOX 1848 NORTH ROUTE 45 MATTOON IL 61938				WP00009451	0370623214	9/23/1999 00:00:0				
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
\$2,025.00	\$2,025.00	1	MDC9	1	WLBHAM	MATTOON BROADCASTING COMPANY	61938		\$675.00	1	PMT
\$2,025.00	\$2,025.00	2	MFI9	1	WLBHFM	MATTOON BROADCASTING COMPANY	61938		\$1,350.00	1	PMT
Total		2							\$2,025.00		

Payment Transactions Detail Report

Date: 12/16/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name				Fcc Account Number	Payer TIN	Received Date				
9909278835434005	CORNBELT BROADCASTING COMPANY R R 2 BOX 117M SOUTH ROUTE 51 CLINTON IL 61727				WP00016454	0370628040	9/23/1999 00:00:0				
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	MDD9	1	WHOWAM	CORNBELT BROADCASTING COMPANY	61727		\$825.00	1	PMT
\$1,150.00	\$1,150.00	2	MFA9	1	WHOWFM	CORNBELT BROADCASTING COMPANY	61727		\$325.00	1	PMT
Total		2							\$1,150.00		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 18 2000

OFFICE OF
MANAGING DIRECTOR

86-285

Kathleen Beigh
Compliance Specialist
Electric Lightwave, Inc
4400 N.E. 77th Avenue
Vancouver, Washington 98662

RE: Request for Waiver of Regulatory Fee, Late Fee,
Electric Lightwave, Vancouver, WA
Fee Control No. 00000CDMC-99-022

Dear Ms. Beigh:

This is in response to your request on December 15, 1998, to waive regulatory late fees of \$4,321.55 imposed because your payment was late.

Title 47, United States Code, section 159(c) and Commission rule 47 CFR §1.1164 impose a penalty for untimely payment equal to 25% of the amount of the regulatory fee. The penalty may be excused only where the delay resulted from bank error "as evidenced by an affidavit of an officer of the bank" (47 CFR §1.1164(b)).

We do not question that your processing and eventual payment resulted from your inexperience. Even so, employee inexperience and underestimated time allowed for internal processing are not bank error, which is the only basis for relief. Accordingly, the Commission denies your request for a waiver. If you have any questions concerning this letter, please contact the Credit & Debt Management Center at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer



Mailing Address:
Electric Lightwave, Inc.
4400 N.E. 77th Avenue
Vancouver, Washington 98662
(360) 816-3000 Fax: (360) 816-8938

December 15, 1998

Managing Director
FCC / OMD
445 12th Street SW
Washington, DC 20024

RE: Electric Lightwave, Inc.

Dear Managing Director,

I am responding to the attached letter, dated December 3, 1998, received at our office on December 11, 1998. Referencing paragraph two of the letter, I would like to offer the following explanation for the lateness of Electric Lightwave, Inc.'s 1998 annual regulatory fee.

1. I am new in this position and had not yet completed a cycle of compliance reporting for Electric Lightwave. Therefore, I relied most heavily on receiving reports and forms from various regulatory agencies, including the FCC.
2. Electric Lightwave moved its headquarters earlier in the year, and the Form 159 Remittance Advice was not forwarded to this office by the US Postal Service.
3. I located the appropriate form and instructions from the FCC's web site. However, I discovered the required forms and filing requirements at the deadline date of September 18, 1998.
4. I completed the Form 159, asked our accounts payable department to cut a check as soon as possible, and forwarded the Form 159, explanatory cover letter, and check on September 23, 1998. I have attached a copy of the letter and check.
5. The Form 159, letter and check were sent by Federal Express on September 23 for next day delivery. This means Electric Lightwave was four days delinquent in filing.

I am offering the above as an explanation for the delinquency, in hopes that the reasons will be viewed as sufficient to have the late payment waived or if that is not possible, perhaps reduced.

Also, I'd like to throw myself on the mercy of the Managing Director. Since this is a new job for me at Electric Lightwave, it makes me look very bad to have caused the company to incur this

penalty. I would be most grateful if the Managing Director could see fit to ease this burden for the company. The bottom line is that the company incurred this fine due to a combination of factors, one being my own ignorance of the rules and regulations. This will not happen again, as long as I am in this position.

Thank you for any consideration you deem appropriate given the circumstances.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen Beigh". The signature is written in a cursive style with a large initial 'K' and a long, sweeping underline.

Kathleen Beigh
Compliance Specialist

Attachments

**FACSIMILE MEMORANDUM**

DATE: December 20, 1999 **FAX:** (202) 418-1995

TO: Teresa Meeks
Federal Communications Commission

FROM: Kathleen Beigh, Compliance Specialist
Government & Industry Affairs

SUBJECT: Electric Lightwave, Inc. / 99-9-0788
Request for Waiver of Penalty

Teresa, attached is a copy of a letter I submitted a year ago, December 15, 1998, requesting a waiver of a penalty associated with ELI's 1998 Regulatory Fee.

I've had two phone conversations with Akeeva today regarding the penalty, and after reviewing the file, she has determined that the waiver request was never processed. Akeeva suggested I fax a copy of the original letter to your attention.

I will proceed with requesting a check from our accounts payable department to pay the penalty, but would appreciate it greatly if you would consider granting the waiver as requested a year ago.

Please call me at (360) 816-5393 if you need additional information or have any questions.

I appreciate your courtesy and consideration.

Attach: 2 pages

*Kathleen Beigh / Compliance & Product Support Specialist - Government & Industry Affairs /
360-816-5393 / fax 360-816-3821 / kbeigh@ell.net*

Payment Transactions Detail Report

Date: 03/10/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name			Fcc Account Number	Payer TIN	Received Date					
0001078835067001	ELECTRIC LIGHTWAVE INC 4400 NE 77TH AVENUE VANCOUVER WA 98662			WP00020259	0931035711	1/06/2000 00:00:0					
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
\$4,321.55	\$4,321.55	1	FINE	1		ELECTRIC LIGHTWAVE INC	98662		\$4,321.55	1	PMT
Total		1							\$4,321.55		

Payment Transactions Detail Report

Date: 03/10/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name			Fcc Account Number	Payer TIN	Received Date					
9809258835080015	ELECTRIC LIGHTWAVE INC 4400 NE 77TH AVENUE			FCC2063546		9/24/1998 00:00:0					
	VANCOUVER		WA	98662							
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
\$17,286.21	\$17,286.21	1	COD8	1		ELECTRIC LIGHTWAVE INC	986626706		\$17,286.21	1	PMT
Total		1							\$17,286.21		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 8 2000

OFFICE OF
MANAGING DIRECTOR

86-285

Karina Gradus
Associate Corporate Counsel
IDT Corporation
190 Main Street
Hackensack, NJ 07601

RE: Request for Waiver (Section 9, Late Fee)
IDT Corporation, Hackensack, NJ
Fee Control Number 9910058835491005

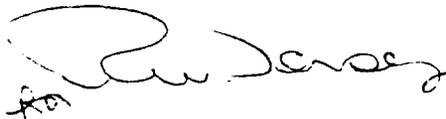
Dear Ms. Gradus:

This is in response to your request on March 3, 2000 to waive the penalty of \$9,136 imposed upon the late payment of the applicable annual regulatory fee.

Title 47, United States Code, §159(c) and Commission rule 47 CFR §1.1164 impose a penalty for untimely payment equal to 25% of the amount of the regulatory fee. The penalty may be excused only where the delay resulted from bank error "as evidenced by an affidavit of an officer of the bank" (47 CFR §1.1164(b)).

Accordingly, the Commission denies your request for a waiver, and requests that you make payment of \$9,136 within 30 days from the date of this letter. If you have any questions concerning this letter, please contact the Credit & Debt Management Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer



IDT Corporation
190 Main Street
Hackensack, NJ 07601 USA
F 201 928/1000
F 201 907/5165
www.idt.net

VIA FACSIMILE 202-418-2843
and Overnight Mail

April 3, 2000

Ms. Theresa Meeks
Credit and Debt Management Center
445 12th Street SW
Washington, DC 20554

Re: Request for Waiver of Late Fee Assessment- IDT Corporation

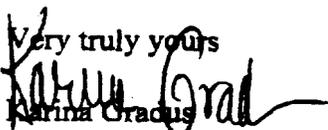
Dear Ms. Meeks:

Please accept this letter requesting a waiver for an assessment of late fees against IDT Corporation. Having addressed this matter on November 16, 1999, as evidenced in the attached letter from Diane Clark of IDT, this matter remains unresolved. On April 3rd, I contacted your office and spoke to a Ms. Arbeka Sandidge who advised me that I forward to you this waiver request pertaining to the matter discussed herein.

As mentioned in the attached letter, IDT contacted your office prior to the September 22, 1999 deadline. At which time we were misinformed by your office that the Annual Regulatory Fees must be postmarked by September 22, 1999 in order to avoid any penalty assessments. IDT immediately remitted payment in full via overnight mail, airborne receipt attached herein. It remains IDT's contention that the penalty assessments are a result of an administrative error on the part of the FCC. Had IDT received proper information by the FCC representative, it would have arranged for payment to be made in the manner advised.

IDT made payment in a timely manner and in accordance with FCC's advice. As such, we request a waiver for the assessment of late fee in the amount of \$9,136.00.

If there are any further questions or if you require additional information please do not hesitate to contact me at 201-530-4648 or Diane Clark at 201-928-4485. Thank you in advance for your time and consideration in this matter.

Very truly yours

Karina Grad
Associate Corporate Counsel



Annual
Regulatory
Fees

IDT Corporation
190 Main Street
Hackensack NJ 07601 USA
P 201 928/4484
F 201 907/5161
www.idt.net

November 16, 1999

**VIA FACSIMILE
AND OVERNIGHT COURIER
(202) 418-2843**

Office of the Managing Director
Credit and Debt Management Center
445 12th Street, SW
Washington, D.C. 20554

Re: ***Assessment of Late Fees
Bill No. 2000-9-0365***

Dear Sir/Madame:

I write your office in the capacity of Associate General Counsel for IDT Corporation, based in Hackensack, New Jersey. I have been instructed to contact your office concerning the above referenced notice that we received in early November. The notice, dated October 29, 1999, states in part that a 25% late fee has been assessed to our 1999 Annual Regulatory Fees. The letter further states that the FCC did not receive our payment until October 4, 1999. I wish to address each of these points separately and hopefully clear up any misunderstandings that may have occurred.

With respect to the first issue, namely, the lateness of our application, I attribute this to the incorrect information that my legal secretary received from some office involved in the filing of the Annual Reports. A woman at the FCC explicitly told my secretary that our Annual Report had to be *postmarked* by September 22, 1999 and not actually received by this date. Had we been given the accurate information from the outset, we would have sent our report and remittance a day earlier via overnight courier.

Office of the Managing Director
November 16, 1999
Re: *Assessment of Late Fees*
Bill No. 2000-9-0365

Additionally, I am perplexed by the date listed in your letter as the "date of receipt". As is evidenced by a copy of the airbill that I have enclosed, our Regulatory Annual Report was sent to the FCC via overnight courier on September 22, 1999. At the very latest, this package should have reached your offices the very next day. I cannot understand why our fee payment was not received until October 4, 1999. You may wish to conduct some investigation of your own into this matter.

In light of the aforementioned points, IDT Corp. sees no reason why it should be compelled to pay a penalty attributable to misinformation from your office. Please understand that IDT makes every effort to comply with both filing requirements and filing dates that the FCC has set forth. However, we believe that this penalty is unfairly assessed.

I greatly appreciate any assistance your department is able to provide in this matter. Please contact me directly once you have arrived at a decision. If you require additional information from us, please do not hesitate to call.

Very truly yours,



Diane Clark

Associate General Counsel

FROM (Company) I D T		Preprint Form No. 52629937	Origin BGG	Airbill Number 6718691910								
Street Address 190 MAIN ST		Method of Payment <input checked="" type="checkbox"/> Bill Sender 121877221 <small>Airborne Sender account no.</small>										
City HACKENSACK	State NJ	ZIP CODE (Required) 07601										
Sent by (Name/Dept) LEGAL Dept		Phone Number 692-3342										
TO (Company) Federal Communications Commission		Phone Number 201-528-1000										
Street Address 445 12th Street S.W.		Billing Reference will appear on invoice										
City WASHINGTON, DC		ZIP CODE (Required) 20554										
Attention: (Name/Dept)		Special Instructions <input type="checkbox"/> Saturday Delivery <input type="checkbox"/> Hold at Airborne <input type="checkbox"/> Extra Charge <input type="checkbox"/> Lab Pack <input type="checkbox"/> Lab Pack										
Description Documents		Number of Pieces 1										
THANK YOU FOR SHIPPING WITH AIRBORNE EXPRESS		Weight (Lbs) 1										
Sender's Signature Heidi Meyel		Declared Value <input type="checkbox"/> or <input type="checkbox"/> Full Insurance										
Airborne Signature		Date 9-22-99										
Phone No.		Shipment Valuation \$.00										
Date		Received At <input type="checkbox"/> Drop Box # <input type="checkbox"/> Airborne Terminal										
Type		<table border="1"> <tr> <th>Service Type</th> <th>Selected</th> </tr> <tr> <td><input checked="" type="checkbox"/> Next Business Day</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/> Next Business Day</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td><input checked="" type="checkbox"/> Next Business Day</td> <td><input checked="" type="checkbox"/></td> </tr> </table>			Service Type	Selected	<input checked="" type="checkbox"/> Next Business Day	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Next Business Day	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Next Business Day	<input checked="" type="checkbox"/>
Service Type	Selected											
<input checked="" type="checkbox"/> Next Business Day	<input checked="" type="checkbox"/>											
<input checked="" type="checkbox"/> Next Business Day	<input checked="" type="checkbox"/>											
<input checked="" type="checkbox"/> Next Business Day	<input checked="" type="checkbox"/>											

USE THE INTERNATIONAL AIRWAY FOR SHIPMENTS TO EUROPE, AFRICA, ASIA, AUSTRALIA, AND MEXICO

One box must be marked with an "X" Assured Express Service unless otherwise noted.

Next Business Day
Next Business Day
Next Business Day

ASSENT A HIGHLY SECURE SOLUTION. CHARGES APPLY TO ALL THE FOLLOWING: INSURANCE, SPECIAL OR COMPLICATED PACKAGES ARE NOT RECOMMENDED. SEE TERMS AND CONDITIONS ON REVERSE SIDE OF THIS SHIPMENT. AIRBORNE EXPRESS. SEATTLE, WA 98111-0882

www.airborne.com

SENDER'S COPY

AIRBORNE EXPRESS

PO BOX 682, SEATTLE, WA 98111-0882

1-800-247-2676

Payment Transactions Detail Report

Date: 04/14/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name			Fcc Account Number	Payer TIN	Received Date						
9910058835491005	IDT CORPORATION 190 MAIN ST			WP00017096	0223415036	0/04/1999 00:00:0						
	HACKENSACK		NJ	07601								
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	
\$36,544.00	\$36,544.00	1	COD9	020200	81223	IDT CORPORATION	07601		\$36,544.00	1	PMT	
Total	1								\$36,544.00			