

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

MAY 19 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.

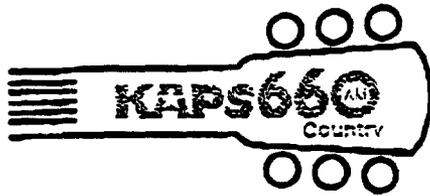
If you have any questions concerning this letter, please call the Credit & Debt Management Group at 418-1996.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Reger", written over a horizontal line.

for 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 9-18-99
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

Payment Transactions Detail Report

Date: 01/07/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
9811038835834001	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
Total		3							\$2,022.00		