

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554
OCT 18 2000OFFICE OF
MANAGING DIRECTOR

86-205

Anne Goodwin Crump
Fletcher, Heald & Hildreth, P.L.C.
Attorneys at Law
11th Floor, 1300 North 17th Street
Arlington, Virginia 22209-3801

RE: Request for Waiver of Mass Media
Regulatory Fee (Radio Station WFXW (AM))
Valley Communications, Inc., Geneva, Illinois,
Fee Control Number 00000 CDMC-99-010

Dear Ms. Crump:

We reviewed your request dated September 21, 1999, on behalf of Valley Communications, Inc., to defer payment of and to waive the regulatory fee for fiscal year 1999. The request to defer payment of the fee pending consideration of the request is granted; however, because we deny your request for waiver, to avoid penalties, the fee is due within 30 days of the date of this letter.

Title 47, United States Code, §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.

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.

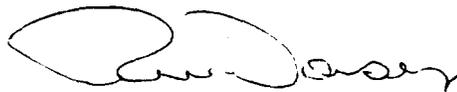
R&O, *In re Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346, at ¶ 35 (Jun 8, 1994). Later in response to requests for clarification, we explained:

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 reviewed the copy of the tax return for 1998 and the comparative analysis through July 31, 1999 against the standard. While we observe a tax loss, we do not find that the payment of the fee, when compared to other paid expenses will result in financial hardship. In that regard, you did not demonstrate that paying the regulatory fee for WFXW would affect the ability of the station to maintain service to the public. Moreover, you did not demonstrate how waiver of the fee in this case overrides the public's interest to collect the fee. Because you did not pay the fee with the petition for relief, and the period for deferral has passed, the fee for fiscal year 1999 is due within 30 days of the date of this letter. A request for reconsideration will not toll this period. 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

ORIGINAL

ANN BAVENDER*
ANNE GOODWIN CRUMP
VINCENT J. CURTIS, JR.
RICHARD J. ESTEVEZ
PAUL J. FELDMAN
RICHARD HILDRETH
FRANK R. JAZZO
ANDREW S. KERSTING
EUGENE M. LAWSON, JR.
SUSAN A. MARSHALL*
HARRY C. MARTIN
GEORGE PETRUTSAS
RAYMOND J. QUIANZON
LEONARD R. RAISH
JAMES P. RILEY
ALISON J. SHAPIRO
KATHLEEN VICTORY
HOWARD M. WEISS

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET
ARLINGTON, VIRGINIA 22209-3801

(703) 812-0400

TELECOPIER

(703) 812-0486

INTERNET

www.fhh-telcomlaw.com

September 21, 1999

FRANK U. FLETCHER
(1939-1985)
ROBERT L. HEALD
(1956-1983)
PAUL D. P. SPEARMAN
(1936-1962)
FRANK ROBERSON
(1936-1961)
RUSSELL ROWELL
(1948-1977)
EDWARD F. KENEHAN
(1960-1978)

CONSULTANT FOR INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS
SHELDON J. KRYS
U.S. AMBASSADOR (1961)

OF COUNSEL
EDWARD A. CAINE*
MITCHELL LAZARUS*
EDWARD S. O'NEILL*
JOHN JOSEPH SMITH

WRITER'S DIRECT

* NOT ADMITTED IN VIRGINIA

BY HAND DELIVERY

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

SEP 21 1999

Attention: Managing Director

Re: Request for Waiver of Regulatory Fees &
Petition for Deferral of Regulatory Fees
WFXW(AM), Geneva, Illinois

Dear Ms. Salas:

Transmitted herewith, on behalf of Valley Communications, Inc., licensee of Station WFXW(AM), Geneva, Illinois, are an original and four copies of its "Request for Waiver of Regulatory Fees and Petition for Deferral of Regulatory Fees Due to Hardship."

Should any questions arise concerning this matter, please communicate with this office.

Very truly yours,



Anne Goodwin Crump
Counsel for Valley Communications, Inc.

AGC:mah
Enclosures

COPY

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)
)
Fiscal Year 1999 Regulatory Fees)
WFXW(AM), Geneva, Illinois)

SEP 21 1999

Directed to: Managing Director

**REQUEST FOR WAIVER OF REGULATORY FEES AND
PETITION FOR DEFERRAL OF REGULATORY FEES DUE TO HARDSHIP**

Valley Communications, Inc. ("Valley"), licensee of Station WFXW(AM), Geneva, Illinois, by its attorneys, hereby respectfully requests that its regulatory fees for fiscal year 1999 be waived and that any payment of regulatory fees be deferred due to financial hardship. With respect thereto, the following is submitted:

1. Valley is seeking a waiver and deferral of its regulatory fees due for fiscal year 1999 due to substantial and continuing losses over the past several years. Because of these losses, Valley is unable to pay its assessed regulatory fees of \$825 plus fees for its auxiliary authorizations.

2. Over the past four years, Valley has suffered operating losses well in excess of \$900,000. Many of these losses were caused by the uncertainties surrounding WFXW(AM)'s 1996 renewal application as the result of a petition to deny that application filed by the Rainbow-PUSH Action Network on November 1, 1996. There was then an approximately 18 month delay in resolving the issues related to the renewal application, as the Commission did not release its *Memorandum Opinion and Order and Notice of Apparent Liability*, FCC 98-16, granting the

renewal application until February 4, 1998. In addition, further uncertainties were caused by the pending sale of the station. On April 8, 1996, the Commission granted an application for consent to assignment of the WFXW(AM) license to CCC Communications, Inc. (File No. BAL-960222ED). Closing on that assignment was delayed first by financing difficulties of the proposed assignee, and subsequently by the pending renewal application. The closing then could not go forward until the Commission granted the renewal application. After the delay caused by the renewal application, the closing was further delayed by additional financing difficulties of the proposed assignee, which have not been resolved as of this date. Valley has sought other potential purchasers for the station but has not yet been able to reach an agreement with any other purchaser. Because of these uncertainties and instability, Valley has had difficulty in maintaining its relations with advertisers and its staff and has suffered considerable losses in its income.

3. For fiscal year 1998, Valley sought and was granted a waiver of its regulatory fees due to financial hardship. Unfortunately, Valley's financial picture has not improved appreciably over the past year. Attached hereto is a copy of Valley's 1998 tax return. In addition to the substantial previous losses reported last year, the 1998 return shows a loss resulting from trade or business activities of \$240,176. Also attached hereto is a side-by-side accounting of income and expenses to date for the calendar year 1999. That statement shows a net loss through July 31, 1999, of an additional \$79,702. Thus, in addition to the loss of \$751,794 over the years of 1996 and 1997 and the first seven months of 1998, as reported in its previous request for waiver of its regulatory fees, Valley has suffered an additional loss of \$188,951 for the remainder of 1998 and the first half of 1999.

4. As a result of these substantial losses and financial hardships, Valley is unable to pay

its assessed fiscal year 1999 regulatory fees. Therefore, Valley respectfully requests that its regulatory fees for fiscal year 1998 be waived and that any payment of regulatory fees be deferred pending the Commission's consideration and determination with respect to this request.

Respectfully submitted,

VALLEY COMMUNICATIONS, INC.

By: 
Frank R. Jazzo
Anne Goodwin Crump

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 North 17th Street
Eleventh Floor
Arlington, Virginia 22209
(703) 812-0400

September 17, 1999

BUCKET FILE COPY ORIGINAL
FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554
OCT 26 2000

CREDIT & DEBIT MANAGEMENT
GRUD/OMD

OFFICE OF
MANAGING DIRECTOR

86-285

Ms. Becky Gipson
Manager, Regulatory Affairs
VarTec Telecom, Inc.
3200 W. Pleasant Run Road
Lancaster, Texas 75146

RE: Request for Waiver of Late Charge
Penalty for FY 1998 Regulatory Fees
VarTec Telecom, Inc.
Fee Control No. 9810078835133001
Late Penalty Due: \$46,854.53

Dear Ms. Gipson:

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 VarTec Telecom, Inc.

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 VarTec Telecom, Inc. met this obligation. Therefore, your request is denied.

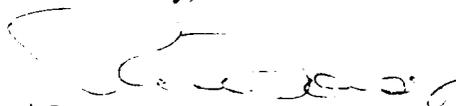
Payment of the late charge penalty in the amount of \$46,854.53 was assessed and due on September 19, 1998. The late charge penalty must be filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. You are cautioned that the failure to submit payment as required 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.

Ms. Becky Gipson

2.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger". The signature is written in a cursive style with a large initial "M" and a long horizontal stroke.

Mark A. Reger
Chief Financial Officer

December 22, 1998

VIA OVERNIGHT DELIVERY

Mr. Andy Fiscal
Managing Director
Billing and Collections Branch
Federal Communications Commission
445 12th Street Southwest
Washington, D.C. 20024

ASSOC. OF
FINANCIAL INSTITUTIONS
DEC 30 1 40 PM '98
RECEIVED

Re: Regulatory Fee Late Payment Penalty

Dear Mr. Fiscal:

Pursuant to recent correspondence from your office, VarTec Telecom, Inc. ("VarTec") is now requesting any relief that you may be able to grant the Company regarding the penalty assessed for the late submission of its 1998 Annual Regulatory Fee. Please note that VarTec did not have the required information prepared to submit payment to the Commission by September 18, 1998; however, once the financial information was gathered, analyzed and reviewed by responsible management, the report was filed promptly in September 1998. VarTec sincerely apologizes that it did not meet the Commission's required deadline, but please be assured that this late filing was not an attempt to avoid payment. It was VarTec's intent to make the necessary efforts to confirm that the filing was accurate and complete. The Company wishes to assure the Commission that it will make every reasonable effort to ensure that future filings are made in a timely manner. Again, VarTec prays for any relief that you may grant in assessing the late penalty associated with the Company's 1998 Annual Regulatory Fee.

In addition, the above-noted correspondence indicates that VarTec's 1998 Annual Regulatory Fee totals \$194,464.43; however, the Company's records indicate that the payment was in the amount of \$187,418.11. As such, the Company respectfully requests that the Commission review this payment amount when considering VarTec's request for relief as detailed herein.

VarTec sincerely appreciates your time and efforts involved in this matter. Please contact the undersigned with any inquiries or information related to this request directly at (972) 230-7309 or at the Company's principal address.

Respectfully submitted,



Becky Gipson
Manager, Regulatory Affairs

cc: Michael G. Hoffman, Esq.
Executive Vice President
Legal and Regulatory Affairs

VarTec Telecom, Inc.
3200 W. Pleasant Run Road
Lancaster, Texas 75140
(972) 230-7200
(972) 230-7200 Fax

Payment Transactions Detail Report

Date: 04/18/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name			Fcc Account Number	Payer TIN	Received Date					
9810078835133001	VARTEC TELECOM INC 3200 WEST PLEASANT RUN ROAD LANCASTER TX 75146			FCC2028296		0/05/1998 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
\$187,418.11	\$187,418.11	1	COD8	03801	803274	VARTEC TELECOM INC	75146		\$187,418.11	1	PMT
Total	1								\$187,418.11		

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
OCT 18 2000

CREDIT & DEBIT MANAGEMENT
GROUP, OMD

OFFICE OF
MANAGING DIRECTOR

96-205

Billy R. McLain
WFXO
311 W. Eastport Street
Iuka, Mississippi 38852

Re: Request for Waiver of FY 1999
Regulatory Fee
Fee Control No.: 00000CDMC-99-035

Dear Mr. McLain:

This letter responds to your request for a waiver of the regulatory fee for Fiscal Year (FY) 1999 filed with respect to FM station WFXO, Iuka, Mississippi.

Your request states only that "the finances of the station have not been consistent while expenses have been higher than expected." A follow-up letter from your accountant, Kellie Holder, adds that "according to our records [the fee] would be a burden on [Mr. McLain's] operating of the station at this time."

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994); recon. granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-62.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and

Billy R. McLain

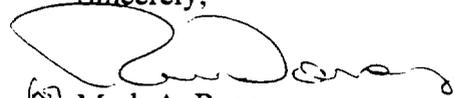
2.

payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

In the absence of appropriate documentation, you have failed to establish a compelling case of financial hardship. Therefore, your request for waiver of WFXO's FY 1999 regulatory fee is dismissed. Payment of the FY 1999 regulatory fee of \$1,350 is now due. This payment should be submitted together with a Form 159 (copy enclosed) within 30 days from the date of this letter. In view of your allegations of financial hardship, however, in lieu of payment, WFXO's request may be refiled together with appropriate supporting documentation within 30 days from the date of this letter.

If payment or a refiled request is not received within 30 days from the date of this letter, WFXO will be assessed a late fee of 25% of the unpaid amount of the regulatory fee. If you have any questions concerning the regulatory fee payment, please contact the Credit and Debt Management Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", written over a large, stylized, looping flourish.

Mark A. Reger
Chief Financial Officer

Enclosure



America's Music . . .

311 W. Eastport Street
Iuka, Mississippi 38852
Phone: 662-423-2369
Fax: 662-423-6059
E-Mail: fox@freedom2000net.com

SEPTEMBER 7, 1999

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

RE: REGULATORY FEE

THIS LETTER IS TO REQUEST A WAIVER OF THE REGULATORY THAT IS
DUE AT THIS TIME. THE FINANCES OF THE STATION HAVE NOT BEEN
CONSISTENT WHILE EXPENSES HAVE BEEN HIGHER THAN EXPECTED.

YOUR ATTENTION TO THIS REQUEST WILL BE GREATLY APPRECIATED.

SINCERELY,

Billy R. McLain
BILLY R. McLAIN
WFXO

RECEIVED
SEP 25 9 25 AM '99

(662) 286-9946
(662) 286-9947

HOLDER ACCOUNTING FIRM

1407-A Harper Road
CORINTH, MS 38834

1-800-535-2599
Fax 1-800-441-3590

March 24, 2000

Ms. Claudette Pride
Federal Communications Commission
Washington, DC 20554

Ms. Pride:

Please consider Billy R. McLain for a waiver request on the 1999 regulatory fee. This is to follow up on last September's request.

According to our records that I have as his accountant, this would be a burden on his operating of the station at this time.

Please give due consideration and waive the fee for Mr. McLain.

If I can be further help, please advise.

With kindest regards,



Kellie Holder, P.A.
HOLDER ACCOUNTING FIRM

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OCT 18 2000

OFFICE OF
MANAGING DIRECTOR

86-285

Clarence J. Gay
General Manager
Radio Station WLTG
P.O. Box 15635
Panama City, Florida 32406

RE: Request for Waiver of Regulatory Fee, Late Fee, WLTG (AM), Panama City, Florida,
Fee Control No. 9812158835107011

Dear Mr. Gay:

This responds to your above-styled request of December 4, 1998, to waive the regulatory late fee of \$200 imposed upon the late payment of the applicable annual regulatory fee for station WLTG.

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 the delay was unintentional or that it was the result of simple error caused by misreading the dates. Misreading or other similar acts of simple neglect, however, are not grounds for relief from the penalty. Accordingly, the Commission denies your request for a waiver. 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

News Talk

AM 1430

December 4, 1998

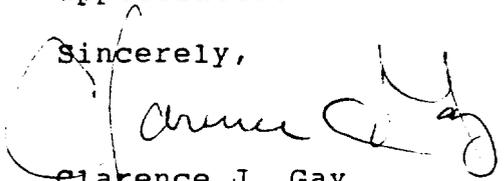
Ms. Regina Dorsey, Chief
Billings & Collections Branch
Federal Communications Commission
Regulatory Fees, P.O. Box 358835
Pittsburgh, PA 15251-5835

Dear Ms. Dorsey,

I want to begin by apologizing for being delinquent with the return of the 1998 annual regulatory fee. I can assure you, it was not intentional. I simply confused the actual return date of September 18 with the October 1, 1997 date listed on the front of the FY 1998 Mass Media Regulatory fees instructions. I mistakenly thought that the return date was before October 1. In short, human error was the culprit. I'm normally much more efficient. This is the first time we have ever been delinquent with a fee payment and I'm confident it will be the last.

Ms. Dorsey, we are a small company really struggling to keep our heads above water. An additional \$200.00 is a tremendous amount for our company to have to pay out, especially this time of the year. If you could see fit to wave the 25% late penalty in the amount of \$200.00, it would be greatly appreciated.

Sincerely,



Clarence J. Gay
General Manager
WLTG Radio

WLTG - AM 1430.....Now at 5,000 Watts!

Mailing Address • Box 15635 • Panama City, Florida 32406
Studio Address • 3216 W. Highway 390 • Suite B • Panama City, Florida 32405
Phone (850) 784-9873 • Hour Group Broadcasting, Inc. • Fax (850) 784-6908

Payment Transactions Detail Report

Date: 12/20/1999

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name			Fcc Account Number	Payer TIN	Received Date					
9812158835107011	HOUR GROUP BROADCASTING INC 3216 WEST HIGHWAY 390 SUITE B PANAMA CITY FL 32405			FCC2046696		2/14/1998 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
\$200.00	\$200.00	1	FINE	1		HOUR GROUP BROADCASTING INC	32405		\$200.00	1	PMT
Total									<u>\$200.00</u>		

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
OCT 18 2000

CREDIT & DEBIT MANAGEMENT
GROUP, OMD

OFFICE OF
MANAGING DIRECTOR

86-285

Lara Strayer Meisner, Esq.
Fisher Wayland Cooper Leader & Zaragoza, L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006-1851

RE: Request for Waiver of Late Charge
Penalty for FY 1998 Regulatory Fees
WHLJ
Fee Control No. 9809258835269008
Late Penalty Due: \$287.50

Dear Ms. Meisner:

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 LaTaurus Productions, Inc., permittee of WHLJ(FM), Statenville, Georgia.

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 WHLJ met this obligation. Therefore, your request is denied.

Payment of the late charge penalty in the amount of \$287.50 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.

Lara Strayer Meisner, Esq.

2.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger". The signature is fluid and cursive, with a large initial "M" and "R".

for
Mark A. Reger
Chief Financial Officer

9809258 835269008

ORIGINAL

FISHER WAYLAND COOPER LEADER & ZARAGOZA L.L.P.
2001 PENNSYLVANIA AVENUE, N.W.
SUITE 400

WASHINGTON, D.C. 20006-1851
TELEPHONE (202) 659-3494

LARA STRAYER MEISNER
(202) 862-3771

RECEIVED

FACSIMILE
(202) 296-6518

DEC 23 1998

INTERNET
lmeisner@fwclz.com

December 23, 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
WEBSITE
<http://www.fwclz.com>

VIA HAND DELIVERY

Mr. Mark Reger
Federal Communications Commission
Office of the Managing Director
445 12th Street, S.W.
Washington, D.C. 20024

**Re: FY 1998 REGULATORY FEES
WHLJ(FM), Statenville, Georgia**

Dear Mr. Reger:

On behalf of LaTaurus Productions, Inc. ("LaTaurus"), permittee of WHLJ(FM), Statenville, Georgia, we hereby respond to the Commission's December 3, 1998 letter concerning the payment of 1998 regulatory fees for WHLJ(FM). In such letter, the Commission contended that LaTaurus was delinquent in its payment of the 1998 regulatory fees for WHLJ(FM). The Commission contended that the requisite fee amount of \$1,150.00 had been paid untimely. As a result, the letter states that LaTaurus is now required to pay a 25% late fee penalty.

Application of a penalty fee in this instance is inappropriate. When LaTaurus submitted its 1998 regulatory fee payment on September 23, 1998, it explained that it had not timely received its regulatory fee packet from the Commission. See Attachment A. In fact, LaTaurus only received its packet a few days before the September 18, 1998 submission deadline. The station is a brand new, minority-owned station and believes that the packet may have somehow been misdirected. As a result of the delay in receiving the packet, LaTaurus was unable to pay the requisite regulatory fee payment by the deadline. LaTaurus did, however, promptly submit its fee payment within a week of the deadline. Accordingly, as good cause exists, LaTaurus respectfully requests that the Commission waive the 25% late fee penalty.

Any questions concerning this matter should be directed to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Lara Strayer Meisner". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Lara Strayer Meisner

Enclosure

cc: Regina Dorsey (via hand delivery)

J:\DATA\CLIENT\97\9795\9795000L.007

ATTACHMENT A

9795

RECEIPT COPY

FCC/MELLON

SEP 22 1998

FISHER WAYLAND COOPER LEADER & ZARAGOZA
2001 PENNSYLVANIA AVENUE, N.W.
SUITE 400

WASHINGTON, D.C. 20006-1851
TELEPHONE (202) 659-3494

LARA STRAYER MEISNER
(202) 862-3771

FACSIMILE
(202) 296-6518

September 23, 1998

INTERNET
lmeisner@fwclz.com

WEBSITE
<http://www.fwclz.com>

DELIVERED VIA COURIER TO MELLON BANK

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

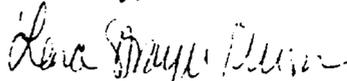
**Re: FY 1998 REGULATORY FEES
WHLJ(FM), Statenville, Georgia**

Dear Ms. Salas:

Transmitted herewith, on behalf of the LaTaurus Productions, Inc. ("LaTaurus"), permittee of WHLJ(FM), Statenville, Georgia, is a completed FCC Form 159 and a check in the amount of \$1.150 representing the requisite 1998 regulatory fee. The regulatory fee packet sent to LaTaurus from the Commission apparently was lost in the mail and not received until last week. As a result, WHLJ(FM), a newly operating station owned 100% by minorities, was unable to prepare its regulatory fee filing by the September 18, 1998 deadline. Accordingly, submitted herewith is the 1998 regulatory fee payment for the above-referenced station.

Any questions concerning this matter should be directed to the undersigned.

Sincerely,


Lara Strayer Meisner

Enclosure

J:\DATA\CLIENT\97\9795\9795000L.006

Payment Transactions Detail Report

Date: 05/19/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name				Fcc Account Number	Payer TIN	Received Date				
9809258835269008	LA TAURUS PRODUCTIONS INC 2001 PENNSYLVANIA AVENUE NW SUITE 400 WASHINGTON DC 20006				FCC2055253		9/23/1998 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	MNF8	1	WHLJFM	LA TAURUS PRODUCTIONS INC	31603		\$1,150.00	1	PMT
Total									<u>\$1,150.00</u>		