

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

FEB 5 2001

OFFICE OF
MANAGING DIRECTOR

Donald J. Evans, Esq.
Fletcher, Heald & Hildreth
1300 N. 17th Street, 11th Floor
Arlington, VA 22209

86-285

Re: Request for Refund of
Application Fee
Fee Control No.: 000000BCB-97-052

Dear Mr. Evans:

This letter responds to your request for refund of \$6,105 in filing fees paid by Antilles Wireless Cable TV Company in connection with its certificates of completion of construction of MMDS stations.

First, you assert that the filing fee of \$555 per MMDS channel is excessive in light of the disparity in administrative effort between the processing of the underlying detailed, multi-page license application, for which a lower filing fee is required, and the simpler certificate of completion of construction, which merely informs the Commission that construction of the MMDS station has been completed. By contrast, you maintain that the fee associated with notification of completion of construction in other services is a fraction of that required for the main application filing. Second, you state that in 1996 the Commission began issuing licenses to MMDS applicants on the basis of auctions with the winning bidder being granted a BTA (Basic Trading Area) authorization and paying the same fee required of MMDS licensees under the pre-auction licensing scheme. You assert, however, that no filing fee should be required of BTA license holders (such as Antilles) because Congress could not have prescribed any particular fee for BTA holders who file certificates of completion of construction when it established the Commission's fee schedule for MMDS filings prior to the institution of auctions. Alternatively, you suggest that the Commission could permit consolidated filings of certificates of completion of construction of MMDS channels so that, for example, all of the channels that are the subject of Antilles's filing would be covered by a single \$555 fee, or the Commission could reduce the fee to substantially less than that required for filing the underlying license application. In sum, you request that the Commission either refund the fee paid by Antilles, waive the fee, or reduce it significantly.

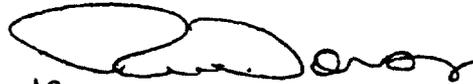
With regard to the alleged "excessive" nature of the fee at issue in comparison with other MMDS fees and fees in other services, we point out that the fees set forth in the Commission's fee schedule represent an average cost of processing and "a fair

approximation as to how the Commission's costs should be distributed." See Establishment of a Fee Collection Program, 5 FCC Rcd 3558, 3574 (1990). Although fees may be waived upon a showing of good cause in the circumstances of an individual case, the Commission's discretion to waive fees is narrowly construed, see Establishment of a Fee Collection Program, 2 FCC Rcd 947, 962 (1987), modified, 3 FCC Rcd 5987 at ¶ 5 (1988), and Congress has not granted the Commission authority to amend the application fee schedule in order to achieve fee parity between regulatory services. See Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, 9 FCC Rcd 7988, 8127 (1994). Hence the disparities you cite do not establish good cause for a waiver and refund of the fees paid by Antilles here.

With regard to your reliance on recent changes in the nature of MMDS licensing as a result of the Commission's auction procedures, we cannot grant a fee waiver premised on your speculative assertion that Congress, which imposed a fee on pre-auction MMDS applicants seeking certificates of completion of construction, nevertheless would not have intended the same fee to apply to BTA license holders who request certificates of completion of construction of MMDS facilities. Finally, insofar as you suggest that the Commission consider alternative ways of reducing the filing fees for MMDS applications generally, we find that your argument does not address the particular circumstances affecting Antilles, as is required in order to justify a waiver in this instance. See 47 CFR 1.1117(b); Letter to Nextel Communications, Inc. (August 27, 1996), rev. denied, 15 FCC Rcd 3126 (2000).

Accordingly, your request for refund of the filing fees is denied. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



✶ Mark A. Reger
Chief Financial Officer

000000PCB 974052

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FEB 12 1997

EVANS & SILL, P.C.

ATTORNEYS AT LAW

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Federal Communications Commission
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*OF COUNSEL

DONALD J. EVANS
WILLIAM J. SILL
ROBERT M. WINTERINGHAM
JILL M. CANFIELD*

*ADMITTED N.Y. ONLY

February 11, 1997

REC'D
FEB 13 6 23 AM '97
FEDERAL COMMUNICATIONS COMMISSION

Mr. Andrew Fishel
Managing Director
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

In re: Request for MMDS 494A Refund

Dear Mr. Fishel:

On behalf of Antilles Wireless Cable TV Company, Inc. ("Antilles"), we are hereby requesting a refund of some or all of the \$6,105.00 which were paid by Antilles in connection with its 494A notifications of completion of construction. As will be set forth below, the fees were either totally inappropriate or excessive. (A copy of the pertinent forms evidencing payment is attached.)

The Multipoint Distribution Service until recently used a conventional licensing scheme. Applicants for original authorizations or major modifications would file a Form 494 (now Form 304). The 494 included detailed information about the applicant's ownership, its proposed site and its technical proposal, including extensive engineering exhibits demonstrating the absence of objectionable interference to nearby MMDS or ITFS users. The form, including attachments, is typically about 40 to 50 pages long. The filing fee for that application is \$190.00. Because MMDS grants are made in 4-channel groups, an applicant may file a single Form 494 for the four E or F Group channels. After engineering review of this material and legal action on any petition to deny which may have been filed, the staff grants a conditional license to the applicant.

EVANS & SILL, P.C.

Mr. Andrew Fishel
February 11, 1997
Page 2

Form 494A is the form used by MMDS licensees to inform the Commission that construction of the MMDS station has been completed in accordance with the conditional license which authorized construction. The form as submitted is typically one page long and entails virtually no engineering or legal review. No petitions to deny may be lodged against such filings and they are virtually never the subject of dispute. The filing fee for this form is \$555.00 per channel. Thus, a licensee reporting the construction of its four-channel station exactly as authorized must pay a fee of \$2,220.00.

On its face, this charge seems excessive in light of the disparity in administrative effort between the processing of the underlying application and the notification of completion. In 1996, however, a new element was added to the mix. The Commission began issuing licenses to MDS applicants on the basis of auctions for geographically defined areas. Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Filing Procedures in the Multipoint Distribution Service and the Instructional Television Fixed Service, 10 FCC Rcd. 9369 (1995), recon. granted in part and denied in part, 10 FCC Rcd 13321 (1995) ("MDS Order). Under the new filing scheme, the winning bidder is granted a BTA authorization after filing a long form application at the close of the auction. When the BTA license holder constructs new facilities within its BTA, it files a Form 494A notifying the Commission of construction of those facilities. To date, the Commission has required these filings to be accompanied by the same fee required of "incumbent" MDS licensees -- those who held their licenses pursuant to the pre-auction licensing scheme. Therein lies Antilles' grievance.

Under the most current fee schedule adopted by the Commission, the fee for filing an MDS or MMDS Certificate of Completion of Construction is \$555.00 per channel. In the Matter of Amendment of the Schedule of Application Fees, 61 FR 41966 (1996). This figure was arrived at by adjusting the fee for such applications which was originally established by Congress back in 1989 under the procedures of Section 158(b) of the Communications Act. At that time, of course, there was no such thing as an MDS BTA license holder since the current licensing scheme was not established until 1995. Congress cannot possibly have intended or envisioned the situation which is now presented. It is Antilles view that no filing fee should be required for 494A's filed by BTA license holders since these filings confer no additional rights

EVANS & SILL, P.C.

Mr. Andrew Fishel
February 11, 1997
Page 3

whatsoever.

A conventional MDS conditional licensee - the type of licensee who Congress must have had in mind when it adopted the 1989 schedule of charges - files a 494A to prevent the forfeiture of its license; that is, if the 494A is not filed within the time prescribed on the conditional license, the license is automatically forfeit. 47 C.F.R. § 21.43. This filing thus secures a protected service area for the licensee for its full license term. By contrast, the MDS Order explicitly stated that a BTA licensee's license term runs from the date the auction closes. MDS Order, supra, at Paragraph 39. Thus, the "license" was clearly not related in any way to the filing of the 494A. The MDS Order also made clear that the Commission would grant individual licenses for sites within the BTA, but those individual licenses would not receive any protected service area beyond that granted to the BTA holder. Id. The filing of a 494A in this context therefore has none of the attributes which Congress must have associated with a 494A under the pre-auction licensing scheme. And, of course, even the minimal effort which may have been associated with the filing of a 494A under the pre-auction scheme, i.e., checking to be sure the form was filed within the time period required, is not pertinent here.

The reality is that the Commission is using a particular form for a purpose wholly other than Congress intended when the Schedule of Charges was first adopted. The fee associated with this filing is grossly out of proportion with administrative effort associated with processing the filing. By comparison, in all other services where a "notification of completion of construction" is required, the associated filing fee is a fraction of the fee associated with the main application which requires real effort on the Commission's part. (Paging applications, for example are \$280 for initial filings but only \$45 for notifications of completion of construction.) Clearly, this fee does not "reflect only the direct cost of processing the typical application or filing," as warranted by the Commission in Establishment of Fee Program, 67 RR 2d 873 (1990).

There are several avenues the Commission could and should take to correct this serious and unjustified inequity in its fee structure.

Mr. Andrew Fishel
February 11, 1997
Page 4

1. It should assess no filing fee at all in these circumstances. Since Congress did not ordain any particular fee for BTA holders who file 494As, the Commission is under no obligation - and indeed has no authority - to assess fees for this category of filing. Not only would this be consistent with past practice, but it would do substantial justice since the cost of the license fee is included in the BTA authorization fee (sometimes totalling in the millions of dollars) which the licensee must pay as the winning bidder. Congress surely did not intend for licenses to be awarded on the basis of auction payments and then paid for again when the underlying facilities are constructed.

2. If the Commission feels bound by the Congressional mandate to assess a fee for 494As, it could delete the fee for 304As (the Form which has recently replaced the 494A) insofar as that form is used by BTA winners. The Commission would have more discretion in this regard since Congress specified no fee for 304A filings. Licensees who filed on the old form 494A, like Antilles, should then get a refund so as to avoid inequity.

If the Commission feels constrained by the 1989 Schedule of Charges to assess some fee for 494As, it could still provide some relief:

3. The Commission could permit consolidated filing of MDS channel groups on a single 494A. Just as four channels may be requested on a single 494 with a single \$190 fee, the Commission has the discretion to permit consolidated filings of notifications of completion of construction. In the case of Antilles' recent filing, for example, all of the channels could have been covered with a single \$555 fee payment while still remaining within the letter of the Schedule of Charges adopted by Congress.

4. The Commission should develop a fee for 494As which is consistent with its treatment of "notifications of completion of construction" in every other service, namely, a fee substantially less than the \$190 fee set for a basic 494 filing.

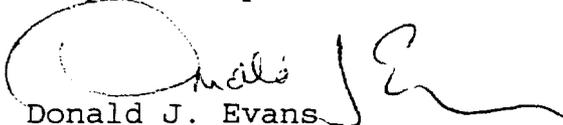
5. The Commission should not increase the fee any further pending Congressional relief.

EVANS & SILL, P.C.

Mr. Andrew Fishel
February 11, 1997
Page 5

Accordingly, Antilles respectfully requests that the Commission either refund the full \$6,105.00 fee paid by Antilles, waive the fee for the reasons set forth above, or reduce the fee to a level commensurate with associated administrative effort.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald J. Evans". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

Donald J. Evans
Counsel for Antilles Wireless
Cable TV Company, Inc.

Attachments

cc: Joseph Hubbard
Trudi Prior

CERTIFICATION OF COMPLETION OF CONSTRUCTION
 Important: Read Instructions on Back Before Completing

1. Name of Licensee Antilles Wireless Cable TV Company	(Area Code) Telephone Number (310) 373-6234
Mailing Street Address or P.O. Box, City, State and Zip Code 26573 Basswood Avenue, Rancho Palos Verdes, CA 90274	Call Sign or Other FCC Identifier (If applicable) B491

2. Fee Data. Refer to 47 CFR 1.1105 or the Common Carrier Services Fee Filing Guide.	FCC Use Only	
(a) Fee Type Code CPM	(b) Fee Multiple, if required 1	(c) Fee Due for Fee Type Code in 2(a) \$ 555.00

3. Number of Channels (if MDS or DEMS)	4. Use Codes (See Instructions)	5. Call Sign
	(a) Service CM	(b) Type of Use TV
	(c) Class of Station FY	B491

6(a) Conditional License File No. BMD2960510DZ	(b) Date of Grant 10/28/96	7(a) Date Construction Completed 9/21/96 *	(b) Date Service to Commence 9/24/96 *
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8. Transmit Station Information					
(a) Station Name Signal Hill	(b) Street Address 1.5 km NNW of Charlotte Amalie	(c) City Charlotte Amalie	(d) State V.I.	(e) County St. Thomas	
(f) Ant. Sys. Height 100 ft / 30.3 km	(g) Building Height N/A	(h) Ground Elevation 1480 ft / 451 m	(i) Service Area Charlotte Amalie	(j) Latitude 18 21 26	(k) Longitude 64 56 50.5

9(a) Have Section 21.42 modifications been made?
 YES NO If "YES," identify 21.42 subsection to describe modification: 21.42(c)(4)
 (for example 21.42(a), 21.42(c)(3), etc.)

(b) Modifications were made pursuant to subsection (c) of 21.42, answer (i) and (ii) below:
 (i) the cumulative effect of all facility changes made within any 60 day period exceed the appropriate values prescribed at Section 21.42(c)?
 YES NO
 (ii) Was the Commission notified of the modifications within 30 days by filing of completed FCC Form 494?
 YES NO A FCC Form 304 is filed simultaneously

10(a) Are the modifications made herein subject to the prior frequency coordination or notification procedures required by Section 21.100(d)?
 YES NO

(b) Were the prior frequency coordination or notification procedures required by Section 21.100(d) followed?
 YES NO DNA

(c) If this is a Section 21.42(c) modification to a MDS or DEMS station, was a copy of interference analysis served on those required by Sections 21.902 and 21.504?
 YES NO If "YES," provide date served: Simultaneous herewith

11. The Commission must be notified of modifications made pursuant to Section 21.42. Applicant represents that (mark "X" one):
 A completed FCC Form 494 is attached to this notification.
 A completed FCC Form ~~494~~ 304 will be filed with the Commission on (give date): simultaneous herewith

12. Certification: The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 853a, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 CFR 1.2002(b).
 YES NO

The undersigned, individually and for the applicant, hereby certifies that the representations contained in the application for license and/or modification application are still true and correct, construction of the facilities as authorized has been completed, the station is now operational and ready to provide service to the public, and will remain operational during the license period, unless the license is submitted for cancellation, and that the statements made in this certification are true, complete and correct to the best of his (her) knowledge and belief, and are made in good faith.

Date Nc 15, 1996	Typed or Printed Name of Person Signing Joseph Hubbard	Willful false statements made on this form are punishable by fine and/or imprisonment (U.S. Code, Title 18, Section 1001), and/or revocation of any station license or construction authorization (U.S. Code, Title 47, Section 312(a)(1)), and/or forfeiture (U.S. Code, Title 47, Section 503).
Signature <i>Joseph Hubbard</i>	Title (Position Held by Person Signing) President of General Partner	

* Pursuant to a STA.

FCC Use Only

CERTIFICATION OF COMPLETION OF CONSTRUCTION
 Important: Read Instructions on Back Before Completing

Name of Licensee Antilles Wireless Cable TV Company	(Area Code) Telephone Number (310) 373-6234
Mailing Street Address or P.O. Box, City, State and Zip Code 26573 Basswood Ave., Rancho Palms Verdes, CA 90274	Call Sign or Other FCC Identifier (if applicable) B491

1. Fee Data. Refer to 47 CFR 1.1105 or the Common Carrier Services Fee Filing Guide.			FCC Use Only
2(a) Fee Type Code 1	(b) Fee Multiple, if required 1	(c) Fee Due for Fee Type Code in 2(a) \$ 555.00	

3. Number of Channels (if MDS or DEMS) 1	4. Use Codes (See Instructions)			5. Call Sign B491
	(a) Service CM	(b) Type of Use TV	(c) Class of Station FX	

5(a) Conditional License File No. BMDP960719CB	(b) Date of Grant 10/28/96	7(a) Date Construction Completed 9/24/96 *	(b) Date Service to Commence 9/24/96 *
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6. Transmit Station Information				
7(a) Station Name Signal Hill	(b) Street Address 1.5km NW of Charlotte Amalie	(c) City Charlotte Amalie	(d) State V.I.	(e) County St. Thomas
7(b) Ant. Ht. Height 100ft/30.5m	(g) Building Height N/A	(h) Ground Elevation 1480ft/451m	(i) Service Area Charlotte Amalie	(j) Latitude 18 21 26
		(k) Longitude 64 56 50.5		

9(a) Have Section 21.42 modifications been made?
 YES NO If "YES," identify 21.42 subsection to describe modification **21.42(c)(4)**
 (for example 21.42(a), 21.42(cX3), etc.)

(b) Modifications were made pursuant to subsection (c) of 21.42, answer (i) and (ii) below:
 (i) Does the cumulative effect of all facility changes made within any 60 day period exceed the appropriate values described at Section 21.42(c)?
 YES NO
 (ii) Was the Commission notified of the modifications within 30 days by filing of completed FCC Form 494?
 YES NO A FCC Form 304 is filed simultaneously.

10(a) Are the modifications made herein subject to the prior frequency coordination or notification procedures required by Section 21.100(d)?
 YES NO

(b) Were the prior frequency coordination or notification procedures required by Section 21.100(d) followed?
 YES NO DNA

(c) If this is a Section 21.42(c) modification to a MDS or DEMS station, was a copy of interference analysis served on those required by Sections 21.902 and 21.504?
 YES NO If "YES," provide date served: **simultaneous herewith**

11. The Commission must be notified of modifications made pursuant to Section 21.42. Applicant represents that (mark "X" one):
 A completed FCC Form ~~494~~ is attached to this notification.
 A completed FCC Form ~~494~~ **304** will be filed with the Commission on (give date): **simultaneous herewith**

12. Certification: The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 853a, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 CFR 1.2002(b).
 YES NO

The undersigned, individually and for the applicant, hereby certifies that the representations contained in the application for license and/or modification application are still true and correct, construction of the facilities as authorized has been completed, the station is now operational and ready to provide service to the public, and will remain operational during the license period, unless the license is submitted for cancellation, and that the statements made in this certification are true, complete and correct to the best of his (her) knowledge and belief, and are made in good faith.

Date No 5, 1996	Typed or Printed Name of Person Signing Joseph Hubbard	Willful false statements made on this form are punishable by fine and/or imprisonment (U.S. Code, Title 18, Section 1001), and/or revocation of any station license or construction authorization (U.S. Code, Title 47, Section 312(a)(1)), and/or forfeiture (U.S. Code, Title 47, Section 503).
Signature <i>Joseph W. Hubbard</i>	Title (Position Held by Person Signing) President of General Partner	

FCC 494A FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554 Approved by OMB 3060-0403 Expires 03/31/97 Est. Avg. Burden Hrs. Per Response: 20 Minutes	FCC Use Only
CERTIFICATION OF COMPLETION OF CONSTRUCTION Important: Read Instructions on Back Before Completing	

1. Name of Licensee <u>Antilles Wireless Cable TV Company</u>	(Area Code) Telephone Number <u>(310) 373-6234</u>
Mailing Street Address or P.O. Box, City, State and Zip Code <u>26573 Basswood Avenue, Rancho Palos Verdes, CA 90274</u>	Call Sign or Other FCC Identifier (if applicable) <u>B491</u>

2. Fee Data. Refer to 47 CFR 1.1105 or the Common Carrier Services Fee Filing Guide.			FCC Use Only
(a) Fee Type Code <u>CPM</u>	(b) Fee Multiple, if required <u>1</u>	(c) Fee Due for Fee Type Code in 2(a) <u>\$ 555.00</u>	

3. Number of Channels (if MOS or DEMS) <u>1</u>	4. Use Codes (See Instructions)			5. Call Sign <u>B491</u>
	(a) Service <u>CM</u>	(b) Type of Use <u>TV</u>	(c) Class of Station <u>FX</u>	

6(a) Conditional License File No. <u>3MDP960719CA</u>	(b) Date of Grant <u>10/28/96</u>	7(a) Date Construction Completed <u>9/24/96 *</u>	(b) Date Service to Commence <u>9/24/96 *</u>
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8. Transmit Station Information				
(a) Station Name <u>Signal Hill</u>	(b) Street Address <u>1.5km NNW of Charlotte Amalie</u>	(c) City <u>Charlotte Amalie</u>	(d) State <u>V.I.</u>	(e) County <u>St. Thomas</u>
(f) Ant. Str. Height <u>100ft/30.5m</u>	(g) Building Height <u>N/A</u>	(h) Ground Elevation <u>1480ft/451m</u>	(i) Service Area <u>Charlotte Amalie</u>	(j) Latitude <u>18 21 26</u>
(k) Longitude <u>64 56 50.5</u>				

9(a) Have Section 21.42 modifications been made?
 YES NO If "YES," identify 21.42 subsection to describe modification ▶ 21.42(c)(4)
 (for example 21.42(a), 21.42(c)(3), etc.):

(b) If modifications were made pursuant to subsection (c) of 21.42, answer (i) and (ii) below:
 the cumulative effect of all facility changes made within any 60 day period exceed the appropriate values specified at Section 21.42(c)?
 YES NO
 (ii) Was the Commission notified of the modifications within 30 days by filing of completed FCC Form 494?
 YES NO A FCC Form 304 is filed simultaneously

10(a) Are the modifications made herein subject to the prior frequency coordination or notification procedures required by Section 21.100(c)?
 YES NO

(b) Were the prior frequency coordination or notification procedures required by Section 21.100(d) followed?
 YES NO DNA

(c) If this is a Section 21.42(c) modification to a MOS or DEMS station, was a copy of interference analysis served on those required by Sections 21.902 and 21.504?
 YES NO If "YES," provide date served: simultaneous herewith

11. The Commission must be notified of modifications made pursuant to Section 21.42. Applicant represents that (mark "X" one):
 A completed FCC Form ~~494~~ is attached to this notification.
 A completed FCC Form ~~494~~ 304 will be filed with the Commission on (give date): simultaneous herewith

12. Certification: The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 853a, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 CFR 1.2002(a).
 YES NO

The undersigned, individually and for the applicant, hereby certifies that the representations contained in the application for license and/or modification application are still true and correct, construction of the facilities as authorized has been completed, the station is now operational and ready to provide service to the public, and will remain operational during the license period, unless the license is submitted for cancellation, and that the statements made in this certification are true, complete and correct to the best of his (her) knowledge and belief, and are made in good faith.

Date <u>1996</u>	Typed or Printed Name of Person Signing <u>Joseph Hubbard</u>	Willful false statements made on this form are punishable by fine and/or imprisonment (U.S. Code, Title 18, Section 1001), and/or revocation of any station license or construction authorization (U.S. Code, Title 47, Section 312(a)(1)), and/or forfeiture (U.S. Code, Title 47, Section 503).
Signature 	Title (Position Held by Person Signing) <u>resident of General Partner</u>	

FCC 494A FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20564 Est. Avg. Burden Hrs. Per Response: 20 Minutes CERTIFICATION OF COMPLETION OF CONSTRUCTION Important: Read Instructions on Back Before Completing	Approved by OMB 3060-0403 Expires 03/31/97	FCC Use Only
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1. Name of Licensee Antilles Wireless Cable TV Company	(Area Code) Telephone Number (310) 373-5234
Mailing Street Address or P.O. Box, City, State and Zip Code 26573 Basswood Ave., Rancho Palos Verdes, CA 90274	Call Sign or Other FCC Identifier (if applicable) B491

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(a) Fee Type Code CPM	(b) Fee Multiple, if required 4	(c) Fee Due for Fee Type Code in 2(a) \$ 2,200.00	

3. Number of Channels (if MDS or DEMS) 4	4. Use Codes (See Instructions)			5. Call Sign B491
	(a) Service CM	(b) Type of Use TV	(c) Class of Station FX	

6(a) Conditional License File No. BMDP960510EA	(b) Date of Grant 10/24/96	7(a) Date Construction Completed 9/24/96 *	(b) Date Service to Commence 9/24/96 *
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8. Transmit Station Information					
(a) Station Name Signal Hill	(b) Street Address 1.5km NNW of Charlotte Amalie	(c) City Charlotte Amalie	(d) State V.I.	(e) County St. Thomas	
(f) Ant. Sys. Height 100ft/30.5m	(g) Building Height N/A	(h) Ground Elevation 1480ft/451m	(i) Service Area Charlotte Amalie	(j) Latitude 18 21 26	(k) Longitude 64 56 50.5

9(a) Have Section 21.42 modifications been made?
 YES NO If "YES," identify 21.42 subsection to describe modification (for example 21.42(a), 21.42(c)(3), etc.): 21.42(c)(4)

(b) Modifications were made pursuant to subsection (c) of 21.42, answer (i) and (ii) below:
 (i) Does the cumulative effect of all facility changes made within any 60 day period exceed the appropriate values prescribed at Section 21.42(c)?
 YES NO

(ii) Was the Commission notified of the modifications within 30 days by filing of completed FCC Form 494?
 YES NO A FCC Form 304 is filed simultaneously.

10(a) Are the modifications made herein subject to the prior frequency coordination or notification procedures required by Section 21.100(d)?
 YES NO

(b) Were the prior frequency coordination or notification procedures required by Section 21.100(d) followed?
 YES NO DNA

(c) If this is a Section 21.42(c) modification to a MDS or DEMS station, was a copy of interference analysis served on those required by Sections 21.902 and 21.504?
 YES NO If "YES," provide date served: Simultaneous herewith

11. The Commission must be notified of modifications made pursuant to Section 21.42. Applicant represents that (mark "X" one):
 A completed FCC Form 494 is attached to this notification.
 A completed FCC Form 494 ^{304 will be} filed with the Commission on (give date): simultaneous herewith

12. Certification: The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 853a, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 CFR 1.2002(b).
 YES NO

The undersigned, individually and for the applicant, hereby certifies that the representations contained in the application for license and/or modification application are still true and correct, construction of the facilities as authorized has been completed, the station is now operational and ready to provide service to the public, and will remain operational during the license period, unless the license is submitted for cancellation, and that the statements made in this certification are true, complete and correct to the best of his (her) knowledge and belief, and are made in good faith.

Date 11 96	Typed or Printed Name of Person Signing Joseph Hubbard	Willful false statements made on this form are punishable by fine and/or imprisonment (U.S. Code, Title 18, Section 1001), and/or revocation of any station license or construction authorization (U.S. Code, Title 47, Section 312(a)(1)), and/or forfeiture (U.S. Code, Title 47, Section 503).
Signature <i>Joseph A. Hubbard</i>	Title (Position Held by Person Signing) President of General Partner	

FCC Use Only

CERTIFICATION OF COMPLETION OF CONSTRUCTION
 Important: Read Instructions on Back Before Completing

1. Name of Licensee Antilles Wireless Cable TV Company	(Area Code) Telephone Number (310) 373-6234
Mailing Street Address or P.O. Box, City, State and Zip Code 26573 Basswood Ave., Rancho Palos Verdes, CA 90274	Call Sign or Other FCC Identifier (If applicable) B491

2. Fee Data. Refer to 47 CFR 1.1105 or the Common Carrier Services Fee Filing Guide.			FCC Use Only
(a) Fee Type Code CPM	(b) Fee Multiple, if required 1	(c) Fee Due for Fee Type Code in 2(a) \$ 2200.00	

3. Number of Channels (if MDS or DEMS) 4	4. Use Codes (See Instructions)			5. Call Sign B491
	(a) Service CM	(b) Type of Use TV	(c) Class of Station FX	

6(a) Conditional License File No. BMDP96051053	(b) Date of Grant 10/28/96	7(a) Date Construction Completed 9/24/96 *	(b) Date Service to Commence 9/24/96 *
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8. Transmit Station Information				
(a) Station Name Signal Hill	(b) Street Address 1.5km NNW of Charlotte Amalie	(c) City Charlotte Amalie	(d) State V.I.	(e) County St. Thomas
(f) Ant. Str. Height 100ft/30.5m	(g) Building Height N/A	(h) Ground Elevation 1480ft/451m	(i) Service Area Charlotte-Amalie	(j) Latitude 18 21 26
				(k) Longitude 64 56 50.5

9(a) Have Section 21.42 modifications been made?
 YES NO If "YES," identify 21.42 subsection to describe modification ► 21.42(c)(4)
 (for example 21.42(a), 21.42(cX3), etc.):

(b) Modifications were made pursuant to subsection (c) of 21.42, answer (i) and (ii) below:
 (i) Does the cumulative effect of all facility changes made within any 60 day period exceed the appropriate values described at Section 21.42(c)?
 YES NO
 (ii) Was the Commission notified of the modifications within 30 days by filing of completed FCC Form 494?
 YES NO A FCC Form 304 is filed simultaneously.

10(a) Are the modifications made herein subject to the prior frequency coordination or notification procedures required by Section 21.100(d)?
 YES NO

(b) Were the prior frequency coordination or notification procedures required by Section 21.100(d) followed?
 YES NO DNA

(c) If this is a Section 21.42(c) modification to a MDS or DEMS station, was a copy of interference analysis served on those required by Sections 21.902 and 21.504?
 YES NO If "YES," provide date served: simultaneous herewith

1. The Commission must be notified of modifications made pursuant to Section 21.42. Applicant represents that (mark "X" one):
 A completed FCC Form 494 is attached to this notification.
 A completed FCC Form 494 ³⁰⁴ will be filed with the Commission on (give date): simultaneous herewith

12. Certification: The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 853a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 CFR 1.2002(b).
 YES NO

The undersigned, individually and for the applicant, hereby certifies that the representations contained in the application for license and/or modification application are still true and correct, construction of the facilities as authorized has been completed, the station is now operational and ready to provide service to the public, and will remain operational during the license period, unless the license is submitted for cancellation, and that the statements made in this certification are true, complete and correct to the best of his (her) knowledge and belief, and are made in good faith.

Date Nov 1996	Typed or Printed Name of Person Signing Joseph Hubbard	Willful false statements made on this form are punishable by fine and/or imprisonment (U.S. Code, Title 18, Section 1001), and/or revocation of any station license or construction authorization (U.S. Code, Title 47, Section 312(a)(1)), and/or forfeiture (U.S. Code, Title 47, Section 503).
Signature <i>Joseph Hubbard</i>	Title (Position Held by Person Signing) resident of General Partner	

Payment Transactions Detail Report

Date: 11/03/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name			Fcc Account Number	Payer TIN	Received Date					
9611208155516001	ANTILLES WIRELESS CABLE T V CO BUCCANEER MALL SUITE 108			FCC2032214		1/19/1996 00:00:0					
	SAINT THOMAS		VI	00802							
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
\$2,220.00	\$2,220.00	1	CPM	4	B491	ANTILLES WIRELESS CABLE TV COM	90274		\$2,220.00	1	PMT
Total									<u>\$2,220.00</u>		

Payment Transactions Detail Report

Date: 11/03/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name				Fcc Account Number	Payer TIN	Received Date				
9611208155516002	ANTILLES WIRELESS CABLE T V CO BUCCANEER MALL SUITE 108 SAINT THOMAS VI 00802				FCC2032214		1/19/1996 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
\$2,220.00	\$2,220.00	1	CPM	4	B491	ANTILLES WIRELESS CABLE TV COM	90274		\$2,220.00	1	PMT
Total									\$2,220.00		

Payment Transactions Detail Report

Date: 11/03/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name			Fcc Account Number	Payer TIN	Received Date					
9611208155516003	ANTILLES WIRELESS CABLE T V CO BUCCANEER MALL SUITE 108			FCC2032214		1/19/1996 00:00:0					
	SAINT THOMAS	VI	00802								
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
\$555.00	\$555.00	1	CPM	1	B491	ANTILLES WIRELESS CABLE TV COM	90274		\$555.00	1	PMT
Total									\$555.00		

Payment Transactions Detail Report

Date: 11/03/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name				Fcc Account Number	Payer TIN	Received Date					
9611208155516004	ANTILLES WIRELESS CABLE T V CO BUCCANEER MALL SUITE 108				FCC2032214		1/19/1996 00:00:0					
	SAINT THOMAS	VI	00802									
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	
\$555.00	\$555.00	1	CPM	1	B491	ANTILLES WIRELESS CABLE TV COM	90274		\$555.00	1	PMT	
Total	1								\$555.00			

Payment Transactions Detail Report

Date: 11/03/2000

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name				Fcc Account Number	Payer TIN	Received Date				
9611208155516005	ANTILLES WIRELESS CABLE T V CO BUCCANEER MALL SUITE 108 SAINT THOMAS VI 00802				FCC2032214		1/19/1996 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
\$555.00	\$555.00	1	CPM	1	B491	ANTILLES WIRELESS CABLE TV COM	90274		\$555.00	1	PMT
Total		1							\$555.00		