

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

FEB 5 2001

OFFICE OF
MANAGING DIRECTOR

86-285

Arthur B. Goodkind, Esq.
Koteen & Naftalin, L.L.P.
1150 Connecticut Avenue, N.W.
Washington, D.C. 20036

RE: Request for Waiver of Regulatory
Fees for Fiscal Year 1997
L.B. Radio Corporation WYCK-AM
Fee Control No. 00000CDMC-99-014

Dear Mr. Goodkind:

This is in response to your request for waiver of regulatory fees for Fiscal Year (FY) 1997, filed on behalf of L.B. Radio Corporation, licensee of WYCK-AM (WYCK).

In your request, you state that you understand no regulatory fee was due for FY 1997 because WYCK was not operating, pursuant to Commission authority, and held no construction permit, as of October 1, 1996. You also attached to your request a letter from Linda B. Blair, Chief, Audio Services Division, Mass Media Bureau, Federal Communications Commission, dated January 30, 1997. The January 30, 1997 letter notes that the license for WYCK would expire automatically on February 9, 1997 if service did not resume by that date.

Your understanding was incorrect in part. The Commission has determined that the imposition of a regulatory fee could be an impediment to the restoration of service by dark stations and that therefore regulatory fees will be waived for stations that are not operating. *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995). In this case, however, WYCK was operating on the date that fees were due and thus did not qualify for the waiver for dark stations. Your request for waiver is therefore denied.

Your understanding is correct, however, that a fee would not be due for the construction permit granted on October 16, 1996. FY 1997 Mass Media fees were assessed based on the nature of the authorization held as of October 1, 1996. *Assessment and Collection of Regulatory Fees for Fiscal Year 1997*, 12 FCC Rcd 17161, 17194-95 (1997). As no construction permit was held on October 1, 1996, the fee due is based on the license held for WYCK.

Payment in the amount of \$800.00 must be submitted together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. A late charge penalty of 25% will be assessed and due if the Commission does not receive full payment 30 days from the date of this letter. You are cautioned that failure to submit payment may result in further sanctions, including but not limited to, the initiating of a proceeding to recover the unpaid fee amount, late charge penalty, and interest pursuant to the provisions of the Debt Collection Improvement Act of 1996.

If you have any questions concerning this letter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

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

Mark A. Reger
Chief Financial Officer

ORIGINAL

LAW OFFICES
KOTEEN & NAFTALIN, L.L.P.
1150 CONNECTICUT AVENUE
WASHINGTON, D.C. 20036-4104

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ALAN Y. NAFTALIN
ARTHUR B. GOODKIND
GEORGE Y. WHEELER
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PETER M. CONNOLLY
CHARLES R. NAFTALIN
JULIE A. BARRIE
• SENIOR COUNSEL

TELEPHONE
(202) 467-5700
TELECOPY
(202) 467-5915

June 4, 1999

RECEIVED

JUN 04 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Andrew S. Fishel, Managing Director
Federal Communications Commission
The Portals
445 Twelfth Street, SW
Washington, DC 20554

Dear Mr. Fishel:

This letter is written on behalf of L.B. Radio Corporation, licensee of WYCK-AM. It is hereby requested for the reasons set forth in our letter dated September 14, 1998, a copy of which is attached, that the Federal Communications Commission grant a waiver of the regulatory fee and any associated penalty for standard broadcast station WYCK-AM, Plains, Pennsylvania, for the year 1997.

Pursuant to our recent discussions with the FCC's staff, this will request deferral of the payment of the 1997 regulatory fee and penalty pending action on this waiver request.

This will also confirm that all WYCK regulatory fees have been paid for the period since the station resumed operation.

In the event that there are any questions concerning this matter, please communicate with this office.

Very truly yours,



Arthur B. Goodkind

Enclosure

cc: Claudette Pride - Federal Communications Commission
Thomas Holleran, Esq.

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KOTEEN & NAFTALIN, L.L.P.

1150 CONNECTICUT AVENUE
WASHINGTON, D.C. 20036-4104

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Very truly yours,



Arthur B. Goodkind

Enclosure

cc: Claudette Pride - Federal Communications Commission
Thomas Holleran, Esq.

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In the event that there are any questions concerning this matter, please communicate with this office.

Very truly yours,



Arthur B. Goodkind

Enclosure

cc: Claudette Pride - Federal Communications Commission
Thomas Holleran, Esq.

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CHARLES R. NAFTALIN
GREGORY C. STAPLE
R. EDWARD PRICE
JULIE A. BARRIE
* SENIOR COUNSEL

September 14, 1998

Claudette Pride, Chief
Federal Communications Commission
Fee Section
Billings & Collection Branch
1919 M Street, N. W., Rm. 450
Washington, D.C. 20554

RECEIVED
SEP 14 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Pride:

This responds to the enclosed letter to L.B. Radio Corporation concerning its non-payment of a 1997 regulatory fee for AM station WYCK, then assigned to Wilkes-Barre, Pennsylvania. The station's city of assignment has since been changed to Plains, Pennsylvania.

It is our understanding that no regulatory fee was due for fiscal year 1997. On October 1, 1996, station WYCK was licensed but not operating, having been silent since April 27, 1994 with Commission authority. See the enclosed letter from the FCC dated January 30, 1997 reflecting these facts. On October 1, 1996, the licensee also held no outstanding construction permit. On October 16, 1996, the licensee was granted a construction permit (copy enclosed) to change its location to Plains, Pennsylvania. It subsequently did so and returned to the air in January 1997.

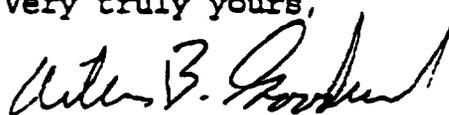
Because WYCK was not operating on October 1, 1996 and held no outstanding construction permit at the time, we have been advised by the Commission's staff that no regulatory fee for the station was required for fiscal year 1997. Accordingly, we respectfully request that the Commission withdraw its request for such a fee and for the non-payment penalty for the 1997 fee.

The licensee of WYCK is this week remitting the regulatory fee for the station for the fiscal year that began October 1, 1997.

Claudette Pride
September 14, 1998
Page 2

In the event there are any questions concerning this matter,
please contact the undersigned.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Arthur B. Goodkind".

Arthur B. Goodkind

Enclosure

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET NW
WASHINGTON DC 20554

MASS MEDIA BUREAU
AUDIO SERVICES DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mmb/asd/

PROCESSING ANALYST: Melanie Godschall
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1410
MAIL STOP: 1800E2
INTERNET ADDRESS: mgodscha@fcc.gov

January 30, 1997

Arthur B. Goodkind, Esquire
Koteen & Naftalin, L.L.P.
1150 Connecticut Avenue
Washington, D.C. 20036

Re: WYCK(AM), Wilkes-Barre, PA
LB Radio Corporation (LB)
BP-950705AC
Special Temporary Authorization (STA)

Dear Mr. Goodkind:

This is in reference to your letter dated January 22, 1997, accompanied by a statement from Douglas V. Lane, President of LB, requesting an STA to permit WYCK(AM) to locate its main studio outside the principal community contour of the new facilities authorized in outstanding construction permit BP-950705AC. Specifically, WYCK(AM) requests authority to locate the station's main studio at the main studio of co-owned station WICK(AM), Scranton, Pennsylvania.

WYCK(AM) has been silent since April 27, 1994, pursuant to Commission authority, and thus faces the statutory deadline in February 1997 for returning to the air. On January 27, 1997, we granted a related STA to permit WYCK(AM) to operate with the new facilities authorized in outstanding construction permit BP-950705AC.¹

As a justification for this STA request, you state that WYCK(AM)'s request for a waiver of the main studio rule to permit the station to co-locate its main studio in Scranton is currently pending and that it will not be possible for WYCK(AM) to establish a main studio

¹ WYCK(AM) is licensed to Wilkes-Barre, PA for operation on 1340 kHz nondirectionally with 1 kilowatt of power unlimited time. In addition, on October 18, 1996 the Commission granted WYCK's construction permit BP-950705AC to operate from Plains, PA nondirectionally with 0.81 kilowatt of power unlimited time.

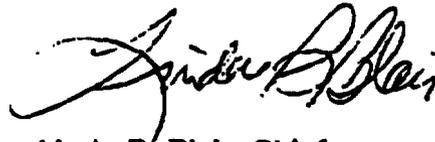
within the station's authorized principal community contour prior to the statutory deadline for returning the station to the air.

Accordingly, your request for STA IS GRANTED allowing Station WYCK to locate its main studio in Scranton, Pennsylvania, at the main studio of commonly owned station WICK(AM). However, grant of this STA does not affect your pending request for a main studio waiver or prejudice the outcome of the Commission's determination on your waiver request.

This authority expires July 28, 1997.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law on February 9, 1997, or upon twelve consecutive months of silence (whichever is later) if the station has not resumed broadcasting before that time. See Pub. Law No. 104-104, 110 Stat. 56, § 403(1) (1996) and Order, Silent Station Authorizations, FCC 96-218 (released May 17, 1996). See also Public Notice, Expedited Processing of Applications Filed by Silent Stations, DA 96-818 (May 22, 1996).

Sincerely,



Linda B. Blair, Chief
Audio Services Division
Mass Media Bureau

cc: EIC, Philadelphia
LB Radio Corporation

SEP- 8-98 WED 17:42

WWDL WICK/RADIO

FAX NO. 717+344+0998

P. 02

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

AUG 24 1998

OFFICE OF
MANAGING DIRECTORL.B. RADIO CORPORATION
WYCK AM
1049 N. SKOL ROAD
SCRANTON, PA 18504

Dear Gentlemen:

This letter is in reference to the 1997 regulatory fee(s) for which payments were due to the Federal Communications Commission (FCC) on September 19, 1997. You were advised by letter dated March 17, 1998, that an examination of the FCC's records indicated that there was no record of payment of the regulatory fee(s) for the following station(s).

WYCK

Wilkes-Barre, PA

You were requested to either submit payment, or in the alternative, to submit proof of payment or documentation establishing that you are exempt from the regulatory fee requirement.

Payment of the \$800 1997 regulatory fee, and the 25% late payment penalty assessed under 47 C.F.R. § 1.1164, are now due. Payment in full of \$1000 should be remitted with the enclosed Form 159 to the Federal Communications Commission, P.O. Box 356835, Pittsburgh, PA 15251-5835, pursuant to instructions on the Form 159. You should also review your records to ensure that payments are made for auxiliary stations associated with the referenced call sign, for any other call signs assigned to you, or for any prior fiscal years for which payments are due. You should submit all payments, together with the 25% late payment penalties, within 30 days from the date of this letter.

You are cautioned that failure to pay the regulatory fees and penalties as described above may subject you to revocation of any existing instrument of authorization, and result in the imposition of further sanctions under 47 C.F.R. § 1.1164. If you have any questions concerning the fees, you may call me at (202) 418-1995.

Sincerely,



Regina W. Dorsey, Chief
Billings & Collections Branch

Enclosure

SEP- 9-98 WED 17:43

WVDL WICK/RADIO

FAX NO. 717+344+0986

P. 03

United States of America
FEDERAL COMMUNICATIONS COMMISSION

FCC 351
December 1985

File No.: BP-950705AC
Call Sign: WYCK

AM BROADCAST STATION CONSTRUCTION PERMIT

1. Permittee: **LB Radio Corporation**

2. Station location : **Plains, PA**
3. Transmitter location : **3.8 km East from the center of Wilkes-Barre, PA**

North Latitude : **41° 15' 01"**
West Longitude : **75° 49' 32"**
4. Main studio location..... :
(Listed only if not at transmitter site or not within boundaries of principal community.)

Average hours of sunrise and sunset:
Standard Time (Non-Advanced)

Provided With Previous
Authorization

5. Remote control location :
6. Transmitter : **Type accepted**
(See Sections 73.1804, 73.1805 and 73.1820 of the Commission's Rules.)

7. Antenna and ground system: **Vertical, self-supporting, series excited, steel radiator of uniform cross section 55 m (88.5°) in height (61 m Overall). Theoretical efficiency: 304.0 mV/m/kW at 1 km. An elevated ground system employs four evenly-spaced horizontal copper steel radials which will be elevated 6 meters above ground level with each radial 55 meters in length.**

8. Obstruction marking and lighting specifications: **FCC Form 716, paragraphs: None required.**

9. Operating Assignment
Frequency : **1340 kHz**
Power-Night : **0.81 kw (Non-Directional)**
Day : **0.81 kw (Non-Directional)**
Hours of Operation : **Unlimited**
10. Conditions : **Attached**

11. Deadline for completion of construction and filing FCC Form 302: **18 months from the date of grant (shown below)**

Subject to the provisions of the Communications Act of 1934, as amended, treaties, and Commission Rules, and further subject to conditions set forth in this permit, authority is hereby granted to construct an AM broadcast station located and described as above. Equipment and program tests shall be conducted only pursuant to Sections 73.1818 and 73.1820 of the Commission Rules. This permit shall be forfeited if the station is ready for operation within the time specified or within such further time as the Commission may allow unless completion of the station is prevented by causes not under the control of the permittee. See Section 73.3028 of the Commission's Rules.

KDH:rao

*This construction permit consists of this page and page(s): **2**

Date: **Oct. 18, 1996**

FEDERAL
COMMUNICATIONS
COMMISSION





Law Offices

HOLLAND & KNIGHT LLP

2100 Pennsylvania Avenue, N. W.
Suite 400
Washington, D.C. 20037-3202

202-955-3000
FAX 202-955-5564

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International Offices:
 Buenos Aires*
 Mexico City
 *Representative Offices:
 Tel Aviv*
 Tokyo

FACSIMILE

TO:

<u>Ms. Teresa Meeks</u>	<u>FCC</u>
NAME	COMPANY/FIRM
<u>Washington</u>	<u>DC</u>
CITY	STATE
<u>202-418-2843</u>	<u>202-418-2945</u>
FAX NUMBER	TELEPHONE NUMBER

If you did not receive all of the pages or find that they are illegible, please call

(202) 457-7135

FROM:

<u>Art Goodkind</u>	<u>202-457-1815</u>
NAME	TELEPHONE NUMBER

CONFIDENTIALITY NOTICE:

This facsimile, along with any documents, files, or attachments, may contain information that is confidential, privileged, or otherwise exempt from disclosure. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, printing, distribution or use of any information contained in or attached to this facsimile is STRICTLY PROHIBITED. If you have received this facsimile in error, please immediately notify us by facsimile or by telephone collect at the numbers stated above, and destroy the original facsimile and its attachments without reading, printing, or saving in any manner. Your cooperation is appreciated. Thank you.

8

TOTAL NUMBER OF PAGES (Including Cover Sheet)

MESSAGE:

Ms. Meeks:

As you requested.

FOR THE RECORD:

DATE: January 3, 2001
 URGENCY: SUPER RUSH RUSH REGULAR

FAXED BY: Victoria Kim AMOUNT:

CLIENT #: 820194 MATTER #: 00200

CONFIRMED: YES NO NAME: TIME: