

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 26 2001

OFFICE OF
MANAGING DIRECTOR

Frederick M. Joyce, Esq.
Alston & Bird, L.L.P.
601 Pennsylvania Ave., N.W.
North Building, 11th Floor
Washington, D.C. 20004-2601

86 - 285

Re: Metrocall, Inc.
Fee Control No. 0002248130711001

Dear Mr. Joyce:

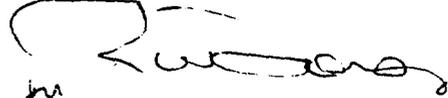
This is in response to your request for refund of filing fees submitted by Metrocall, Inc. (Metrocall) in connection with the filing on or about February 22, 2000 of applications for transfer of control involving wireless telecommunications services. You state that Metrocall paid the filing fees (and filed applications for transfer of control) at the suggestion of Commission staff and out of an abundance of caution to effectuate transfers of control involving transactions consummated earlier this year. You state that Commission staff, subsequent to the filing of the transfer of control applications, determined the transactions to be *pro forma* transfers of control and dismissed the applications. You state that a fee is not required by the Commission for such *pro forma* transactions and you therefore request a refund.

On February 4, 1998, the Commission adopted a *Memorandum Opinion and Order* granting forbearance from the *pro forma* transfer and assignment procedures of section 10 of the Communications Act, as amended, 47 U.S.C. §160, for wireless telecommunications services. *Federal Communications Bar Association's Petition for Forbearance from Section 310(d) of the Communications Act Regarding Non-Substantial Assignments of Licenses and Transfers of Control Involving Telecommunications Carriers*, 13 FCC Rcd 6293 (1998) (*Forbearance Order*). As a result, the Commission no longer requires wireless telecommunications carriers to seek Commission prior approval before a *pro forma* transfer of control or assignment of license, or to file a separate form and filing fee for each license that would be affected. Instead, licensees must notify the Commission within 30 days of consummation of the *pro forma* transaction and update Commission records at that time.

The four transfer of control applications for which Metrocall seeks filing fee refunds involve Private Carrier Paging, Business Radio, Paging and Radiotelephone, and Common Carrier Point-to-Point authorizations, which are wireless telecommunication services that are not subject to application filing fees under the *Forbearance Order*. Under the circumstances, because no application fee is required, refund of the application fees is warranted. Accordingly, your request is granted and the amount paid in error will be refunded. A check,

made payable to the maker of the original checks, and drawn in the amount of \$61,345.00, will be sent to you at the earliest practicable time. If you have any questions concerning the refund, please call the Revenue & Receivables Operations 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 a long, sweeping underline.

Mark A. Reger
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 26 2001

OFFICE OF
MANAGING DIRECTOR

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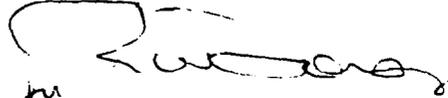
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Sincerely,

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".

Mark A. Reger
Chief Financial Officer

ALSTON & BIRD LLP

601 Pennsylvania Avenue, N.W.
North Building, 11th Floor
Washington, DC 20004-2601

202-756-3300
Fax: 202-756-3333
www.alston.com

RECEIVED

OCT 13 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Frederick M. Joyce

Direct Dial: 202-756-3376

E-mail: rjoyce@alston.com

October 13, 2000

VIA: HAND DELIVERY

Andrew S. Fishel, Managing Director
Office of the Managing Director
Federal Communications Commission
445 12th Street SW, Room 1-C144
Washington, DC 20554

Re: Request for Refund of Filing Fees

Dear Mr. Fishel:

Metrocall, Inc. ("Metrocall"), and Metrocall USA, Inc. ("MUSA")¹ by their attorneys, and pursuant to Section 1.1113(a) of the Commission's Rules, 47 C.F.R. § 1.1113(a),² hereby request a refund of certain filing fees paid to effectuate a transfer of control consummated earlier this year, which, subsequent to filing, was determined by the Commission staff to be *pro forma* in nature.

I. Background.

Earlier this year, Metrocall entered into a Securities Exchange Agreement with AT&T Wireless Services, Inc. ("ATTWS"), pursuant to which ATTWS exchanged the shares of Series C Convertible Preferred Stock into shares of Metrocall common stock. Upon completion of this transaction, ATTWS came to hold approximately 13.25 million shares (approximately 16.8%) of Metrocall's issued and outstanding common stock.

¹ Metrocall, Inc. is a publicly-traded company (NASDAQ symbol: MCLL). Metrocall USA, Inc. is the wholly-owned licensing subsidiary of Metrocall, Inc. Metrocall USA, Inc. holds all of the FCC licenses through which Metrocall, Inc. provides paging and messaging services.

² Section 1.1113(a)(1) provides: "Return or refund of charges. (a) The full amount of any fee submitted will be returned or refunded, as appropriate, in the following circumstances: (1) When no fee is required for the application or other filing."

One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424
404-881-7000
Fax: 404-881-7777

1211 East Morehead Street
P. O. Drawer 34009
Charlotte, NC 28234-4009
704-331-6000
Fax: 704-334-2014

3605 Glenwood Avenue
Suite 310
Raleigh, NC 27612-4957
919-420-2200
Fax: 919-420-2260

In separate transactions, also earlier this year, Metrocall entered into agreements with PSINet Inc. ("PSINet," NASDAQ symbol: PSIX), a New York corporation providing commercial Internet access services; Aether Systems, Inc. ("Aether"), a Maryland-based provider of wireless data applications; and HMTF Bridge MC I, L.L.C. ("HMTF"), a Delaware limited liability company wholly-owned by the investment firm Hicks, Muse, Tate & Furst Incorporated ("Hicks, Muse") and formed solely for the purpose of purchasing and holding shares of Metrocall common stock. Upon closing of the transactions contemplated by those agreements, PSINet, Aether, and HMTF came to hold approximately 7.8 million shares each (which amounted to approximately 9.9% of Metrocall's issued and outstanding common stock).

All of the above-referenced agreements were separate and distinct transactions under which separate, independent companies each purchased minority ownership interests in Metrocall. The above-listed purchasers of Metrocall's common stock are not related to one another, and there are no agreements among those parties, express or implied, to vote collectively the stock they acquired as a block, or in any particular manner. The transactions, as proposed and consummated, contemplated that upon the successful completion of all of the transactions, a maximum of 46.9% of Metrocall's common stock would be held by new investors; a minimum of 53.1% of Metrocall's common stock would remain with the public and with members of Metrocall's management.

II. FCC Applications Filed.

To effect the minority equity investment transactions discussed above, and at the suggestion of FCC staff at the time, Metrocall filed applications for transfer of control on or about February 22, 2000. As explained in Metrocall's Public Interest Statements that accompanied the transfer applications, the transfers would not result in any change to the parties controlling Metrocall, nor would the transfers give the transferees a majority state in Metrocall.

Metrocall filed the applications out of an abundance of caution because due to incremental, non-substantial changes in the holders of Metrocall's common stock, the investments contemplated by the transactions cumulatively resulted in changes of ownership of 50% or more of Metrocall's common stock since the last transaction in which Metrocall's ownership was placed before the Commission. Metrocall explained that if the Commission should determine the transactions described above to be "non-substantial," Metrocall would gladly revise or dismiss any of the applications filed in the matter, or take such other action as the Commission may direct, in order to comport with the Commission's determination.

After filing the applications, the Commission concluded that the transactions described in the applications should be treated as *pro forma* transfers of control, rather than substantial changes in ownership. Based upon this determination, Metrocall closed

the *pro forma* investment transactions on March 17, 2000, and Metrocall's transfer applications were dismissed.

III. FCC Filing Fees Paid.

Metrocall filed six transfer of control applications related to the transactions discussed herein, and paid a total of \$65,625.00 in filing fees.³ Copies of the filing fee checks (and one wire transfer confirmation) that Metrocall submitted with its transfer applications are attached as Exhibit One. Upon the Commission's determination that the transactions were *pro forma* in nature, Metrocall requested dismissal of those applications for which prior Commission consent was not necessary.⁴

Prior Commission consent for the *pro forma* transfer of certain Metrocall authorizations was necessary, as the forbearance policy for *pro forma* transfers has not been extended to all of the services under which Metrocall is licensed. Specifically, the applications for transfer of the Domestic Fixed Satellite Earth Station authorizations (See Exhibit Two), the Private Operational Fixed Microwave authorizations (See Exhibit Three), and the Special Emergency Radio Service authorizations (See Exhibit Four) did require prior Commission consent; therefore, the applications that Metrocall filed for these services before the Commission's decision to treat the transactions as *pro forma* remained on file, and were processed in the ordinary course. As shown on the attached FCC Forms 159 and check copies, the filing fees for these applications totaled \$3,500.00.

Prior Commission approval was not necessary, however, to effect the *pro forma* transfer of Metrocall's Private Carrier Paging and Business Radio authorizations (See

³ Copies of Metrocall's filing fee checks (and one wire transfer confirmation) for the transactions are attached as Exhibit One. Attached as Exhibit Two is the first page of the FCC Form 159 and the first page of the Form 312 for Metrocall's Domestic Fixed Satellite Earth Station authorizations; Attached as Exhibit Three is the first page of the FCC Form 159 and the first page of the Form 603 for Metrocall's Private Operational Fixed Microwave authorizations; Attached as Exhibit Four is the first page of the FCC Form 703 and the first page of the Form 490 for Metrocall's Special Emergency Radio Service authorizations; Attached as Exhibit Five is the first page of the FCC Form 159 and the first page of the Form 490 for Metrocall's Private Carrier Paging and Business Radio authorizations; Attached as Exhibit Six is the first page of the FCC Form 159 and the first page of the Form 603 for Metrocall's Paging and Radiotelephone Service and Common Carrier Point-to-Point authorizations; And attached as Exhibit Seven is the first page of the FCC Form 159 and the first page of the Letter Application for Transfer of Control for Metrocall's Section 214 authorizations. Due to the voluminous nature of the filings, entire copies are not attached; however, Metrocall will gladly provide full copies of the applications and the accompanying FCC Forms 159 upon the Commission's request.

⁴ The Commission has forbore from applying the prior notification and approval requirements of Section 310(d) of the Communications Act to certain services. See Federal Communications Bar Association's Petition for Forbearance from Section 310(d) of the Communications Act, Memorandum Opinion and Order, 13 FCC Rcd 6293 (1998) [hereinafter "Forbearance Order"].

Exhibit Five),⁵ Paging and Radiotelephone Service and Common Carrier Point-to-Point authorizations (See Exhibit Six), and Section 214 Certificate for the Resale of International Switched Services (See Exhibit Seven). As shown on the attached FCC Forms 159 and check copies, the filing fees for these applications totaled \$62,125.00.

In regard to the Private Carrier Paging, Business Radio, Paging and Radiotelephone, and Common Carrier Point-to-Point authorizations, the Commission concluded by order dated February 4, 1998 that it would forebear from applying the prior notification and approval requirements of section 310(d) of the Communications Act to these wireless station classes for *pro forma* assignments of licenses and transfers of control.⁶ Pursuant to the Forbearance Order, and Section 1.948(c)(1)(iii) of the Commission's Rules, licensees simply need to file a notification of consummation with the Commission within thirty days of the closing of a *pro forma* transaction. Filing fees are not required for such notifications.

As for Metrocall's Section 214 Certificate, Metrocall has already been refunded the \$780.00 filing fee that was paid for the transfer of this authorization. The Accounts Processing Group, in response to a request made *sua sponte* by the International Bureau, has already approved the refund of this filing fee (See Exhibit Eight).

The International Bureau's request and the Account Processing Group's subsequent action were predicated upon the Commission's Rule governing the *pro forma* transfer of international Section 214 certificates, which provides that an international carrier that is the subject of a *pro forma* transfer of control is not required to seek prior Commission approval for the transaction, but must notify the Commission no later than 30 days after the assignment is consummated. See 47 C.F.R. § 63.24. This Rule is substantively identical to the Rule governing the *pro forma* transfer of those wireless license classes specified in the Forbearance Order. Because the international and wireless applications concerned the same overall transaction, and because the governing rules are identical in substance, Metrocall submits that the fees paid for the transfer of the wireless authorizations should likewise be refunded.

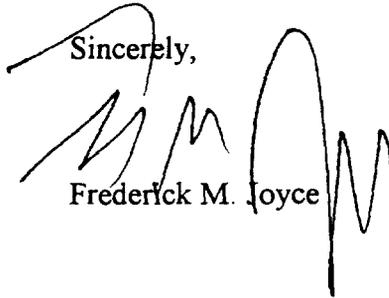
⁵ Please note that Metrocall initially submitted a filing fee check for \$36,225.00 for payment of the filing fees associated with the transfer of its Private Carrier Paging and Business Radio stations. Metrocall was subsequently notified by the FCC that the filing fee should have been in the amount of \$36,720.00. The Commission returned Metrocall's check in the amount of \$36,225.00 and Metrocall wired the replacement filing fee of \$36,720.00 to Mellon Bank. Metrocall was advised that it was not necessary to amend the fee amounts listed on the FCC Form 159 and on the first page of its Form 490; therefore, those pages reflect the erroneous filing fee amount. As shown on the wire transfer confirmation included in Exhibit One, however, the filing fee paid by Metrocall for the transfer of its Private Carrier Paging and Business Radio authorizations was in the amount of \$36,720.00.

⁶ See Forbearance Order, 13 FCC Rcd 6293, para. 24.

V. Conclusion.

For the foregoing reasons, Metrocall respectfully requests a refund of \$61,345.00, which amount represents the filing fees paid for transfer of Metrocall's Private Carrier Paging, Business Radio, Paging and Radiotelephone, and Common Carrier Point-to-Point authorizations.

Thank you for your attention. If you have any questions, please contact the undersigned.

Sincerely,

Frederick M. Joyce

Encl.

FMJ:mrc
WDC01/65651v1

FCC Use Only File Number:	
Call Sign:	
Fee Number:	

FEDERAL COMMUNICATIONS COMMISSION

APPLICATION FOR SATELLITE SPACE AND EARTH STATION AUTHORIZATIONS

FCC/MELLON FEB 22 2000

FCC/MELLON FEB 22 2000

APPLICANT INFORMATION

1. Legal Name of Applicant Metrocall, Inc.		2. Voice Telephone Number (703) 660-6677, ext. 5122	
3. Other Name Used for Doing Business (if any)		4. Fax Telephone Number (703) 924-2504	
5. Mailing Street Address or P.O. Box 6677 Richmond Highway ATTENTION:		6. City Alexandria	
		7. State / Country (if not U.S.A.) Virginia	8. Zip Code 22306
9. Name of Contact Representative (If other than applicant) Frederick M. Joyce, Esq.		10. Voice Telephone Number (202) 756-3300	
11. Firm or Company Name Alston & Bird, L.L.P.		12. Fax Telephone Number (202) 756-3333	
13. Mailing Street Address or P.O. Box 601 Pennsylvania Avenue, N.W., North Building, 11th Floor ATTENTION:		14. City Washington	
		15. State / Country (if not U.S.A.) DC	16. Zip Code 20004

CLASSIFICATION OF FILING

17. Place an "X" in the box next to the classification that applies to this filing for both questions a. and b. Mark only one box for 17a and only one box for 17b.

<input checked="" type="checkbox"/> a1. Earth Station <input type="checkbox"/> a2. Space Station	<input type="checkbox"/> b1. Application for License of New Station	<input checked="" type="checkbox"/> b6. Transfer of Control of License or Registration
	<input type="checkbox"/> b2. Application for Registration of New Domestic Receive-Only Station	<input type="checkbox"/> b7. Notification of Minor Modification
	<input type="checkbox"/> b3. Amendment to a Pending Application	<input type="checkbox"/> b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
	<input type="checkbox"/> b4. Modification of License or Registration	<input type="checkbox"/> b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
	<input type="checkbox"/> b5. Assignment of License or Registration	<input type="checkbox"/> b10. Other (Please Specify): _____

18. If this filing is in reference to an existing station, enter: Call sign of station: E940049; E950079; E920231; E960017; E980479	19. If this filing is an amendment to a pending application enter: (a) Date pending application was filed: _____ (b) File number of pending application: _____
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FCC 603	FCC Wireless Telecommunications Bureau Application for Assignments of Authorization and Transfers of Control	Approved by OMB 3060 - 0800 See instructions for public burden estimate Submitted 03/10/2000 at 03:50PM File Number: 0000083485
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1) Application Purpose: Amendment	
2a) If this request is for an Amendment or Withdrawal, enter the File Number of the pending application currently on file with the FCC.	File Number: 0000083485
2b) File numbers of related pending applications currently on file with the FCC:	

Type of Transaction

3a) Is this a <i>pro forma</i> assignment of authorization or transfer of control? Yes
3b) If the answer to Item 3a is 'Yes', is this a notification of a <i>pro forma</i> transaction being filed under the Commission's forbearance procedures for telecommunications licenses? No
4) For assignment of authorization only, is this a partition and/or disaggregation?
5) Does this filing request a waiver of the Commission's rules? No
6) Are attachments being filed with this application? Yes
7a) Does the transaction that is the subject of this application also involve transfer or assignment of other wireless licenses held by the assignor/transferor or affiliates of the assignor/transferor (e.g., parents, subsidiaries, or commonly controlled entities) that are not included on this form and for which Commission approval is required? Yes
7b) Does the transaction that is the subject of this application also involve transfer or assignment of non-wireless licenses that are not included on this form and for which Commission approval is required? Yes

Transaction Information

8) How will assignment of authorization or transfer of control be accomplished? Sale or other assignment or transfer of stock If required by applicable rule, attach as an exhibit a statement on how control is to be assigned or transferred, along with copies of any pertinent contracts, agreements, instruments, certified copies of Court Orders, etc.
9) The assignment of authorization or transfer of control of license is: Voluntary

Licensee/Assignor Information

10a) Taxpayer Identification Number: L00120582		10b) SGIN: 000	
11) First Name (if individual):	MI:	Last Name:	Suffix:
12) Entity Name (if not an individual): METROCALL USA INC			
13) Attention To: Ken Goldstein, Senior VP, Eng.			
14) P.O. Box:	And / Or	15) Street Address: 6677 RICHMOND HWY	
16) City: ALEXANDRIA	17) State: VA	18) Zip: 22306	
19) Telephone Number: (703)660-6677		20) FAX: (703)765-4385	
21) E-Mail Address: ken.goldstein@metrocall.com			

22) Race, Ethnicity, Gender of Assignor/Licensee (Optional)

Race:	American Indian or Alaska Native:	Asian:	Black or African-American:	Native Hawaiian or Other Pacific Islander:	White:
Ethnicity:	Hispanic or Latino:	Not Hispanic or Latino:			
Gender:	Female:	Male:			

Transferor Information (for transfers of control only)

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION

FCC/MELLON

FEB 22 2000

FOR
FCC
USE
ONLY

PART I - APPLICATION FOR CONSENT TO TRANSFER CONTROL OF CORPORATION HOLDING STATION LICENSE
(This application must be filed before Transfer of Control takes place)

1.(a) Name of corporate licensee Metrocall, USA, Inc.				
(b) Number and street address 6677 Richmond Highway				
(c) City Alexandria	(d) State VA	(e) ZIP Code 22306		
2. Internet address: george.moratis@metrocall.com		3. Taxpayer Identification Number 54-1755198		
4. Call sign and radio service of each station See Exhibit One.				
6.(a) Fee Type Code PATH	(b) Fee Multiple 45.00	(c) Fee Due \$,025.00	FOR FCC USE ONLY	
6. Name(s) and Address(es) of Transferee Metrocall Inc., 6677 Richmond Highway, Alexandria, VA 22306				
7. Subsequent to the Transfer of Control, will the licensee corporation be the same corporate entity? That is, will it retain its present name, corporate charter, State of Incorporation, etc.? If "NO", give details on Page 3.			YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
8. Subsequent to the Transfer of Control, will the licensee corporation be a representative of any foreign government? If "YES", give details on Page 3.			<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. THIS SECTION TO BE ANSWERED ONLY BY LICENSEES OF PUBLIC COAST, AIRPORT CONTROL TOWER, AERONAUTICAL ENROUTE, AERONAUTICAL FIXED, OR COMMON CARRIER ALASKA PUBLIC FIXED STATIONS. SUBSEQUENT TO THE TRANSFER OF CONTROL:				
(a) Will any officer or director of such corporation be an alien? If "YES", see instruction 6.			YES	NO
(b) Will more than 1/5 of the capital stock be either owned of record or may it be voted by aliens or their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? If "YES", see instruction 6.			<input type="checkbox"/>	<input type="checkbox"/>
(c) Will the licensee be directly or indirectly controlled by any other corporation? If "YES", answer items (d) through (h) below.			<input type="checkbox"/>	<input type="checkbox"/>
(d) What is the name and address of the corporation in immediate control?				
(e) Under the laws of what State or Country is the controlling corporation organized?				
(f) Is more than 1/4 of the capital stock of controlling corporation either owned of record or may it be voted by aliens or their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country? If "YES", give details on Page 3.			YES	NO
(g) Is any officer or more than 1/4 of the directors of the controlling corporation an alien? If "YES", on Page 3 state name, nationality, and position of each, and state the total number of directors, and give a brief biographical statement for each alien.			<input type="checkbox"/>	<input type="checkbox"/>
(h) Is the controlling corporation in turn controlled by other companies? If "YES", on Page 3, or a separate sheet of paper, provide information for each of these controlling companies covering information requested in items (d) through (h).			<input type="checkbox"/>	<input type="checkbox"/>
CERTIFICATION				
<ul style="list-style-type: none"> • Applicant waives any claim to the use of any particular frequency regardless of prior use by licensee or otherwise; • Applicant will have unlimited access to the radio equipment and will control access to exclude unauthorized persons; • Neither applicant nor any member thereof is a foreign government or representative thereof; • Applicant certifies that all statements made in this application and attachments are true, complete and made in good faith; • Neither the applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. 				
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 PERMIT (U.S. CODE, TITLE 47, SECTION 312(A)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).				
SIGNATURE _____ <i>George D. Sandy</i> <small>Authorized Employee of Licensee Corporation</small>		DATE _____		
SIGNATURE _____ <i>George D. Sandy</i> <small>Transferee of Control (Check one)</small>		DATE _____		
<input type="checkbox"/> Individual <input type="checkbox"/> Partner <input checked="" type="checkbox"/> Officer <input type="checkbox"/> Other (Specify): _____				

FCC 490	FEDERAL COMMUNICATIONS COMMISSION Application for Assignment of Authorization or Consent to Transfer of Control of Licensee Commercial Mobile Radio Services Rural Radiotelephone Service	Approved by OMB 2000-0218 Est. Avg. Burden Hours Per Response: 3 Hrs.	FCC Use Only (File Number)
			FCC Use Only

FILING FEE

(a) Fee Type Code	(b) Fee Multiple	(c) Fee Due for Fee Type Code in (a)	(d) Total Amount Due	FCC Use Only
PATM	805	\$45.00	\$ 36,225.00	

ASSIGNOR OR TRANSFEROR

T1. Name of Assignor or Transferor Metrocall, Inc.		T2. Voice Telephone Number (703) 660-6677	
T3. Assumed Name Used for Doing Business (if any)		T4. Fax Telephone Number (703) 924-2504	
T5. Mailing Street Address or P.O. Box 6677 Richmond Highway			
T6. City Alexandria		T7. State VA	T8. Zip Code 22306

T9. Name of Contact Representative (if other than Assignor or Transferor) Frederick M. Joyce, Esq.		T10. Voice Telephone Number (202) 756-3300	
T11. Firm or Company Name Alston & Bird, L.L.P.		T12. Fax Telephone Number (202) 756-3333	
T13. Mailing Street Address or P.O. Box 601 Pennsylvania Ave., NW, North Building, 11th Floor			
T14. City Washington		T15. State DC	T16. Zip Code 20004-2601

TYPE OF TRANSACTION

T17. This application requests (T) <u>Assignment of authorization</u> Consent to <u>Transfer of Control of Licensee</u>
T18. How will assignment or transfer of control be accomplished? (S) <u>Sale or other transfer or assignment of stock</u> <u>Other</u>
T19. This assignment of authorization or transfer of control of licensee is (V) <u>Voluntary</u> Involuntary
T20. Will this be a <u>pro forma</u> assignment or transfer of control? (N) <u>Yes</u> <u>No</u> <u>See Exhibit One</u>
T21. Is local or state authorization required for this assignment or transfer of control? (N) <u>Yes</u> <u>No</u>

FCC 603	FCC Wireless Telecommunications Bureau Application for Assignments of Authorization and Transfers of Control	Approved by OMB 3060 - 0800 See instructions for public burden estimate Submitted 03/10/2000 at 10:58AM File Number: 0000083711
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1) Application Purpose: Amendment	
2a) If this request is for an Amendment or Withdrawal, enter the File Number of the pending application currently on file with the FCC.	File Number: 0000083711
2b) File numbers of related pending applications currently on file with the FCC:	

Type of Transaction

3a) Is this a <i>pro forma</i> assignment of authorization or transfer of control? Yes
3b) If the answer to Item 3a is 'Yes', is this a notification of a <i>pro forma</i> transaction being filed under the Commission's forbearance procedures for telecommunications licenses? No
4) For assignment of authorization only, is this a partition and/or disaggregation?
5) Does filing request a waiver of the Commission's rules? No
6) Are attachments being filed with this application? Yes
7a) Does the transaction that is the subject of this application also involve transfer or assignment of other wireless licenses held by the assignor/transferor or affiliates of the assignor/transferor (e.g., parents, subsidiaries, or commonly controlled entities) that are not included on this form and for which Commission approval is required? Yes
7b) Does the transaction that is the subject of this application also involve transfer or assignment of non-wireless licenses that are not included on this form and for which Commission approval is required? Yes

Transaction Information

8) How will assignment of authorization or transfer of control be accomplished? Sale or other assignment or transfer of stock If required by applicable rule, attach as an exhibit a statement on how control is to be assigned or transferred, along with copies of any pertinent contracts, agreements, instruments, certified copies of Court Orders, etc.
9) The assignment of authorization or transfer of control of license is: Voluntary

Licensee/Assignor Information

10a) Taxpayer Identification Number: 541755198		10b) SGIN: 000	
11) First Name (if individual):	MI:	Last Name:	Suffix:
12) Entity Name (if not an individual): METROCALL USA INC			
13) Attention To:			
14) P.O. Box:	And / Or	15) Street Address: 6677 RICHMOND HWY	
16) City: ALEXANDRIA	17) State: VA	18) Zip: 22306	
19) Telephone Number: (703)660-6677		20) FAX:	
21) E-Mail Address:			

22) Race, Ethnicity, Gender of Assignor/Licensee (Optional)

Race:	American Indian or Alaska Native:	Asian:	Black or African-American:	Native Hawaiian or Other Pacific Islander:	White:
Ethnicity:	Hispanic or Latino:	Not Hispanic or Latino:			
Gender:	Female:	Male:			

ALSTON & BIRD LLP

601 Pennsylvania Avenue, N.W.
North Building, 11th Floor
Washington, DC 20004-2601

ESG/MELLIC

MAR 10 2000

202-756-3300
Fax: 202-756-3333
www.alston.com

Frederick M. Joyce

E-mail: rjoyce@alston.com

March 3, 2000

VIA: FACSIMILE and HAND DELIVERY

Federal Communications Commission
Feeable Correspondence
P.O. Box 358115
Pittsburgh, PA 15251-5115

**Re: Metrocall, Inc. (Transferor)
Metrocall, Inc. (Transferee)
Transfer of Control of Metrocall USA, Inc.
Section 214 Certificate for International Resale of
Interexchange Telephone Services (File Nos. ITC-95-
131; ITC-95-436-TC; ITC-96-295-TC, ITC-97-261-AL)
REQUEST FOR TEMPORARY AUTHORITY**

EXPEDITED ACTION REQUESTED

Dear Licensing Officer:

Metrocall, Inc. ("Metrocall") and its wholly-owned subsidiary, Metrocall USA, Inc. ("MUSA"), by their attorneys and pursuant to Section 63.25 of the Commission's Rules, hereby Special Temporary Authority ("STA") to allow for the immediate closing of certain investments which will involve new entities obtaining minority ownership interests in Metrocall. Metrocall and MUSA request an STA for a period of 180 days, or until the Commission acts upon their pending application for permanent authority for the transfer of control of MUSA in connection with the subject investments, whichever occurs first.

One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424
404-881-7000
Fax: 404-881-7777

1211 East Morehead Street
P. O. Drawer 34009
Charlotte, NC 28234-4009
704-331-6000
Fax: 704-334-2014

3605 Glenwood Avenue, Suite 310
P. O. Drawer 31107
Raleigh, NC 27622-1107
919-420-2200
Fax: 919-420-2260

Federal Communications Commission
445 - 12TH Street, S.W.
Washington, DC 20554
4-20-2000

Metrocall, Inc.
6677 Richmond Hwy.
Alexandria, VA 22306

Dear Sir:

We are refunding your fee for the following reason(s).

- Fee paid - No fee required (See block checked "other" for further explanation.)
- Overpayment
- Duplicate Payment
- Incorrect fee - Fee Should be: \$

Your application is being returned. Please resubmit a complete application package according to the appropriate Fee Filing Guide.

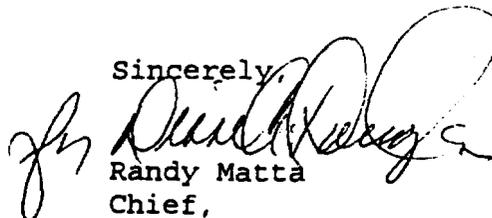
- Multiple Fee Application - Additional fee required.

Your application is being returned. Please resubmit a complete application package according to the appropriate Fee Filing Guide.

- Other:

Payment is being made through the U.S. Treasury Department. Please allow 8 - 10 weeks for processing. If you have any questions concerning this letter, please contact Diane Douglas at (202)418-1975.

Sincerely,



Randy Matta
Chief,
Accounts Processing Group

FEDERAL COMMUNICATIONS COMMISSION

DATE:

BUREAU/FEE SECTION TWO-WAY CORRESPONDENCE FORM

March 24, 2000

TO:

- Fee Section, FMD - Room 452
- CCB - Room
- Other (Specify Bureau and Room Number):
- MMB - Room
- OET - Room

APPLICANT'S NAME:

METROCALL

FEE CONTROL NUMBER:

FROM:

- Fee Section, FMD - Room 452
- CCB - Room
- Other (Specify Bureau and Room Number):
- MMB - Room
- OET - Room

BUREAU/OFFICE ID NUMBER:

Intl Telecom

This is to Notify You that Subject Application Requires Further Action:

Return or Refund for the following reason(s):

- NO FEE RECEIVED - FEE REQUIRED
- APPLICATION ATTACHED
- PROCESS APPLICATION
- FEE NOT ELIGIBLE FOR REFUND
- OTHER - PLEASE EXPLAIN IN REMARKS SECTION

- NO FEE REQUIRED (S1.1111a(1))
- INSUFFICIENT FEE - APPLICATION DISMISSED WITHIN 30 DAYS (S1.1111a(2))
- DOES NOT MEET AGE REQUIREMENT (S1.1111a(3))
- NEW RULE, LAW OR TREATY (S1.1111a(4))
- WAIVER (S1.1111a(5))
- OVERPAYMENT
- UNTIMELY FILED WINDOW FLING (S1.1111a(6))
- FIRST COME, FIRST SERVED CONSTRUCTION PERMIT (S1.1111(c))
- MODIFICATION OF EXISTING/PENDING AUTHORIZATION (S1.1112(a))
- GOVERNMENT ENTITY (S1.1112(a))
- NONCOMMERCIAL EDUCATIONAL OR INSTRUCTIONAL SERVICE (S1.1112(c)(d)(e)(1,2,3))
- INSTRUCTIONAL TV FIXED STATION EXEMPTION (S1.1112(c)(4))
- RESTRICTED RADIOTELEPHONE (S1.1112(e)(4,5))

REMARKS:

No fee required.
 Return Application
 Refund - \$ 780.00

- Regulatory Fee:
- No fee required or excessive fee
 - Overpayment
 - Advance payment subject to S1.1152
 - New rule - license not valid
 - License surrendered (PR services)
 - Section 8 Application declined, return regulatory fee

BUREAU/OFFICE CONTACT:

Alicia Smothers

BUREAU/OFFICE APPROVAL:

George [Signature]

FOR FEE SECTION USE ONLY:

Date Received: _____

Copy returned to Bureau

Action Taken: _____

BY: _____

DATE: _____

* For Refund Overpayment, provide justification in remarks section.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 17 2001

OFFICE OF
MANAGING DIRECTOR

86-285

Dan J. Alpert, Esquire
2120 N. 21st Rd.
Suite 400
Arlington, VA 22201

Re: Request for Fee Waiver
Fee No: 00000CDMC-99-015

Dear Mr. Alpert:

This is in response to your request for a waiver of the Fiscal Year 1999 (FY 1999) regulatory fee, that you filed on behalf of John Neuhoff, Jr. for Station KMGX(FM) now (KNHT), Rio Del. CA. You maintain that because the station is currently dark, it is entitled to a refund of their FY 1999 regulatory fees.

The Commission bases its assessment of regulatory fees upon the nature of the authorization that the station held as of October 1, 1998. See Public Notice dated August 2, 1999 entitled "FY 1999 Mass Media Regulatory Fees." The Commission may waive the payment of the regulatory fee in any specific instance for good cause shown, where such action would promote the public interest. 47 U.S.C. § 159(d). We have concluded that demonstrated financial hardship may be a basis for waiver:

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 material 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.

Report and Order *In re Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 at ¶ 35 (Jun 8, 1994). In response to petitions for reconsideration and 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. ***

We will also grant petitions for waivers of the regulatory fees on grounds of financial hardship from licensees of broadcast stations which are dark (not operating). When a station is dark, it generally is either without or with greatly reduced revenues. Moreover, broadcast stations which are dark must request permission to suspend operation pursuant to Section 73.1740(a)(4) of the Rules. 47 C.F.R. § 73.1740(a)(4). Petitions to go dark are generally based on financial hardship. Under these circumstances, imposition of the regulatory fees could be an impediment to the restoration of broadcast service, and it is unnecessary to require a licensee to make a further showing of financial hardship.

Memorandum Opinion and Order, *In re Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, at ¶¶ 13 and 15 (Jun 22, 1995).

A station, however, may apply for silent status for reasons unrelated to financial capabilities. Our records show that KMGX(FM) applied to be silent on November 5, 1999 due to technical difficulties. Because financial hardship was not a considered element for the application to become silent, and you did not assert financial hardship as the reason to waive the fee and did not furnish supporting information, we cannot find a basis for waiver.

Also, you should be aware that the Telecommunications Act of 1996 provided for the expiration of broadcast licenses as a matter of law upon a station's failure to operate for 12 consecutive months. Mr. Neuhoff should notify the Commission in writing when broadcast operations are resumed by KNHT. The letter should be addressed to Attention: Glenn Greisman, Federal Communications Commission, Room 2-B450, Audio Services Division, MMB, 445 12th Street, S.W., Washington, D.C. 20554.

Dan J. Alpert, Esquire

3.

Your request for waiver of the fee is denied. Full payment of the regulatory fee for \$1,350.00 is due and must be filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. If you have any questions, please contact the Credit & Debt Management 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

The Law Office of
Dan J. Alpert
2120 N. 21st Rd.
Suite 400
Arlington, VA 22201

(703) 243-8690

(703) 243-8692 (FAX)

September 10, 1999

RECEIVED

SEP 10 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

Re: Station KMGX(FM)
Rio Del, CA

Dear Mr. Fishel:

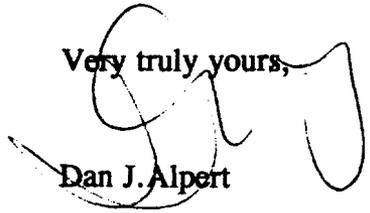
John Neuhoff, Jr., by its attorney, hereby requests a waiver of the 1999 Annual Regulatory Fee. In support thereof, the following is stated.

In the Memorandum Opinion and Order issued with respect to Implementation of Section 9 of the Communications Act, FCC 95-257 (June 22, 1995), the FCC recognized that waivers of the annual Regulatory Fee was appropriate in certain instances, and specifically determined that it would grant waivers to licensees of broadcast stations that are dark (*i.e.*, not operating). The Commission recognized that an imposition of regulatory fees could be an impediment to the restoration of broadcast service, and that such it would be unnecessary for such stations to make any further showing to warrant grant of a waiver. Id. at ¶ 15.

John Neuhoff Jr. is licensee of Station KMGX, Rio Del, California. Station KMGX currently is dark. Accordingly, a waiver of the 1999 Annual Regulatory Fee is appropriate.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,


Dan J. Alpert

Counsel for John Neuhoff, Jr.

From: Tom Putnam
To: Donna Viert
Date: 3/16/00 9:01AM
Subject: Fee waiver letter Ref: KMGX

Donna,

We received a fee waiver letter prepared in OGC for KMGX(FM) which is now KNHT.

Holly Berland's name was on the route slip first so I assumed that she was the author.

The issue was a silent station and the FY 1999 Regulatory (section 9) fee.

The station went dark 11/99. The regulatory fee was due 9/99.

The P.N. on 99 Reg fees states " The regulatory fee to be assessed is based upon the nature of the authorization held as of 10/1/98". Shouldn't they owe the fee?

I can bring you the file whenever you wish to discuss this item.

Thanks

Tom Putnam
Credit & Debt Management Center
Ph (202) 418-2992
Fax (202) 418-2843

CC: Claudette Pride; Holly Berland; Linwood Jenkins



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, S.W.

WASHINGTON, D.C. 20554

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

August 2, 1999

FY 1999 Mass Media Regulatory Fees

The Federal Communications Commission issues this Public Notice in order to provide information concerning the payment of regulatory fees in FY 1999. If you are a licensee or permittee in any of the mass media services, you should carefully review this Public Notice.

WHO MUST PAY REGULATORY FEES IN FY 1999

Most licensees and other entities regulated by the Commission must pay regulatory fees in FY 1999. This Public Notice concerns the following Mass Media licensees: commercial AM & FM radio stations, commercial television stations, Low Power Television and television translator and booster licensees, broadcast auxiliary, FM translator and FM booster licensees, and multipoint distribution service licensees (includes multichannel multipoint distribution service).

Noncommercial educational licensees are exempt from regulatory fees as are licensees of auxiliary broadcast services such as low power auxiliary stations, television auxiliary service stations, remote pickup stations and aural broadcast auxiliary stations where such licenses are used in conjunction with commonly owned non-commercial educational stations. Emergency alert system (EAS) licenses for auxiliary service facilities are also exempt as are Instructional Television Fixed Service (ITFS) licensees. Governments and nonprofit entities (exempt under Section 501 of the Internal Revenue Code) are not required to pay regulatory fees and should not submit payment. *The Commission requires that each exempt entity submit, or have on file with the Commission, a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental authority attesting to its exempt status.* The regulatory fee to be assessed is based upon the nature of the authorization (e.g. construction permit or license) held as of October 1, 1998. Responsibility for payment of that fee rests with the current holder of the permit or license at the time payment is due. A regulatee is responsible for summing all of its services in order to determine if a fee is due. If the sum of all services owned is less than \$10, then the regulatee is exempt from paying the fee.

WHY THE COMMISSION MUST COLLECT REGULATORY FEES

The requirement to collect annual regulatory fees is contained in Public Law 103-66, "The Omnibus Budget Reconciliation Act of 1993." These regulatory fees, which are likely to change each fiscal year, are used to offset costs associated with the Commission's enforcement, public information, international and policy and rulemaking activities. These fees are in addition to any application processing fees associated with obtaining a license or other authorization from the Commission.

WHEN FEES WILL BE DUE

Fee payments must be received by the Commission during the period beginning September 13, 1999, and ending September 22, 1999. Any payment not received at Mellon Bank by 11:59 p.m., September 22, 1999 will be assessed a 25% late payment fee.

FCC FORM 159

Regulatory fee payments must be accompanied by FCC Form 159 ("FCC Remittance Advice"), dated July 1997. A copy of this form, with specific instructions, is attached to this Public Notice and may be used to submit fees. Reproduced forms are acceptable. Please see "Special Instructions for Completing FCC Forms 159 and 159-C" for detailed information on how to correctly complete these forms. Unless you are submitting your information on diskette, you must list each Call Sign separately on Forms 159/159-C. Written attachments are not acceptable. Failure to properly complete FCC Form 159/159-C will delay the processing of your regulatory fee payment.

Any regulatee paying for more than 25 entities may do so by submitting the Form 159 information on diskette. Information on how to file electronically on diskette will be made available in a subsequent public notice.

WHERE TO SEND REGULATORY FEE PAYMENTS

If sending your regulatory fee payment by mail, please address your envelope as follows:

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

If you prefer to send your regulatory fee payment by courier to our lockbox bank, you may do so 24 hours per business day (except Federal or bank holidays). Please address your envelope and deliver it to the following address:

**Federal Communications Commission
c/o Mellon Bank
Three Mellon Bank Center
525 William Penn Way
27th Floor, Room 153-2713
Pittsburgh, PA 15259-0001
(Attention: FCC Module Supervisor)**

METHOD OF PAYMENT

Regulatory fee payments may be made by check, money order, or by credit card (Visa or Mastercard only). When paying by credit card, please make sure you complete and sign block 28 of FCC Form 159. Payments may also be made by wire transfer or ACH Debit. Instructions are provided below.

NOTE: We encourage arrangements to consolidate regulatory fee payments either by a single entity or by different entities into a single payment instrument. Consolidated fee payments may cover any number of service categories. Payers who will be making a single payment for a significant number of entities and wish to submit their payment information on diskette in lieu of submitting a large number of FCC Forms 159-C ("Advice Continuation Sheets") may do so. Specific instructions regarding diskette submission will be issued separately. No more than twenty-five (25) Form 159-C's should be manually submitted for payment. If more than twenty-five (25) Form 159-C's are to be submitted, we encourage the public to file the information on diskette. Only properly filled out Form 159's or diskettes will be accepted. Attached listings of call signs or other identifiers will not be accepted.

WIRE TRANSFER PAYMENT INSTRUCTIONS

A wire transfer is a transaction that you initiate via your bank. It authorizes your bank to wire funds from your account to our lockbox bank, the Mellon Bank in Pittsburgh, PA. All payments made by wire transfer must be supported by a completed FCC Remittance Advice (FCC Form 159) and Advice Continuation Sheet (FCC Form 159-C), if required. The FCC Form 159 must be faxed to Mellon Bank at (412) 236-5702 at least one hour before the wire transfer on the same business day. Indicate on the top of the FCC Form 159 "Wire Transfer - Regulatory Fee Payment." In Box (1) - Lockbox#, located at the upper left hand corner, indicate "358835." **Failure to submit the completed FCC FORM 159 will result in a delay in crediting your account. Due to Federal Reserve regulations, wire transfers received after 6:00 p.m. (EDT) will be credited to the next business day.**

The following information should be provided to your bank in order to complete the wire transfer:

ABA Routing Number 043000261
Receiving Bank: Mellon Pittsburgh
BNF: FCC/ACV--9116106
OBI Field: (Skip one space between each information item)
"REGULATORYPAY"
PAYER TIN (Exactly as on FCC Form 159, Block #25)
PAYER NAME (Exactly as on FCC Form 159, Block #2)
Phone: (Daytime Phone #, exactly as on FCC Form 159, Block #9)
LOCKBOX 358835

ACH DEBIT PAYMENT INSTRUCTIONS

If you are interested in using Mellon's Customer Initiated Payment Program (CIP), a brief application form must be completed and a personal identification number (PIN) issued by the bank. Arrangements for using this process must be completed 14 days prior to submitting payment of the regulatory fee. After you have been set up for this program, you have until September 21, 1999 to submit payment to ensure processing by the deadline of September 22, 1999. Please contact the Credit and Debt Management Center at (202) 418-1995 to request the Customer Initiated Payment Program Package.

COMPLIANCE

Please make sure your total remittance and the amount indicated on the FCC Form 159 are in agreement. Failure to do so will delay processing. Licensees are solely responsible for accurately accounting for all licenses and for paying proper regulatory fees. Any data omission, erroneous or incomplete data submission, or payment deficiency may result in a **25% monetary penalty**, dismissal of pending actions, and/or revocation of any authorization. You are strongly urged to submit your payments on time and accurately in order to avoid a penalty. Additionally, the Commission will invoke any lawful authority it may possess under the Debt Collection Act to collect any fees due or outstanding against any licensee failing to meet its regulatory fee payment obligations.

WAIVERS, REDUCTIONS AND DEFERMENTS OF REGULATORY FEES

The Commission will consider requests for waivers, reductions or deferments of regulatory fees, in extraordinary and compelling circumstances only, upon a showing that such action overrides the public interest in reimbursing the Commission for its regulatory costs. Your regulatory fee must be paid by the due date even if a request is made for a waiver or reduction. This will ensure efficient collection in situations where a waiver or reduction is not warranted and will allow the requestor to avoid a **25% late-payment penalty** if its request is denied. The regulatory fee will be refunded later if the request is granted. Only in exceptional or compelling instances (where payment of the regulatory fee along with the waiver or reduction request could result in the reduction of service to a community or other financial hardship to the licensee), will the Commission accept a petition to defer payment along with a waiver or reduction request. All requests for deferments must be received before September 22, 1999, to avoid the **25% late-payment penalty**. Please submit your written waiver or reduction request to the following

address:

Office of the Managing Director
Federal Communications Commission
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554
attn: Regulatory Fee Waiver/Reduction Request

However, submit your regulatory fee payment to the address on page 2 of this Public Notice.

ADDITIONAL INFORMATION

Applicable Public Notices, and FCC Forms 159 and 159-C are available from the Commission's Office of Public Affairs, Public Service Division and can be downloaded from the Internet (<http://www.fcc.gov> or ftp@fcc.gov). Text of the Report and Order including the entire Schedule of Regulatory Fees can be downloaded from the Internet. Forms may also be obtained by contacting the Forms Hotline at (800) 418-3676 outside the Washington, D.C. area, or (202) 418-3676 locally. For additional information, please contact the Public Service Division at (202) 418-0192, or write to: Federal Communications Commission, Office of Public Affairs, ATTN: Public Service Division, 445 12th Street, S.W., Washington, D.C. 20554.

FEE PAYMENT PROCEDURES FOR COMMERCIAL AM AND FM RADIO STATIONS

WHO MUST PAY: Licensees of commercial AM radio stations and holders of construction permits for new stations in the AM service, whose licenses or permits were granted on or before October 1, 1998, will be assessed a regulatory fee. AM radio station licensees who also hold auxiliary broadcast service licenses operated in conjunction with the main AM station (e.g., remote pickup stations, aural broadcast STLs, intercity relay stations and low power auxiliary stations) will also be assessed a regulatory fee for each of these stations. In addition, licensees of commercial FM radio stations and holders of construction permits for new stations in the FM service, whose licenses or permits were granted on or before October 1, 1998, will also be assessed a regulatory fee. FM radio station licensees who also hold auxiliary broadcast service licenses operated in conjunction with the main FM station (e.g., remote pickup stations, aural broadcast STLs, intercity relay stations and low power auxiliary stations) will also be assessed a regulatory fee for each of these stations. Governments and nonprofit entities (exempt under Section 501 of the Internal Revenue Code) are not required to pay regulatory fees and should not submit payment. *The Commission requires that each exempt entity submit, or have on file with the Commission, a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental authority attesting to its exempt status.*

AM Conversion Table: For those licensees of AM radio stations who may be unfamiliar with the current station class designations, we provide the following:

<u>Old Class</u>	<u>New Class</u>
Class I	Class A
Class II & III	Class B
Class II.D & II.S	Class D
Class III.D & III.S	Class D

Fee Requirement: Fees are assessed for AM and FM radio station licensees based upon class of station and population served. Determination of class is based upon the station's most recent granted license on or before October 1, 1998. AM and FM radio stations are divided into 36 fee groups. A complete listing of all AM and FM stations in call sign order is attached to the notice sent to AM and FM licensees only. To determine the correct fee to be paid, look for the station's call sign and read across the page to find the city, state, class of station, population served, and the FY 1999 regulatory fee due. The fee amount may be obtained by contacting the FCC's National Call Center at 1-888-225-5322 or through a search of the FCC's internet web site <http://www.fcc.gov>. If you have a commercial AM or FM radio station which is not listed, please contact Terry Johnson at (202) 418-0445 for assistance.

Radio Station Regulatory Fees						
Population Served	AM Class A	AM Class B	AM Class C	AM Class D	FM Classes A, B1 & C3	FM Classes B, C, C1 & C2
<=20,000	MAA9 \$430	MBA9 \$325	MCA9 \$225	MDA9 \$275	MFA9 \$325	MFG9 \$430
20,001 - 50,000	MAB9 \$825	MBB9 \$650	MCB9 \$325	MDB9 \$450	MFB9 \$650	MFH9 \$825
50,001 - 125,000	MAC9 \$1,350	MBC9 \$875	MCC9 \$450	MDC9 \$675	MFC9 \$875	MFI9 \$1,350
125,001 - 400,000	MAD9 \$2,000	MBD9 \$1,400	MCD9 \$675	MDD9 \$825	MFD9 \$1,400	MFJ9 \$2,000
400,001 - 1,000,000	MAE9 \$2,750	MBE9 \$2,250	MCE9 \$1,250	MDE9 \$1,500	MFE9 \$2,250	MFK9 \$2,750
>1,000,000	MAF9 \$4,400	MBF9 \$3,600	MCF9 \$1,750	MDF9 \$2,250	MFF9 \$3,600	MFL9 \$4,400

Regulatory Fee Group or Category	Regulatory Fee	Payment Type Code
Broadcast Auxiliary Station License	\$12	MUB9
Construction Permit for New AM Station	\$260	MTA9
Construction Permit for New FM Station	\$780	MNF9

Note that an AM station licensee will be assessed \$12 for each auxiliary license it holds. Holders of construction permits (CPs) for new AM stations for which a license to cover the CP had not been granted as of October 1, 1998, will be assessed a \$260 fee for each permit held, regardless of station class or population served. A commercial FM station licensee will be assessed \$12 for each auxiliary license it holds. Holders of construction

permits (CPs) for new FM stations for which a license to cover the CP had not been granted as of October 1, 1998, will be assessed a \$780 fee for each permit held, regardless of station class or population served.

**FEE PAYMENT PROCEDURES FOR COMMERCIAL
VHF/UHF TV STATIONS**

WHO MUST PAY: Licensees of commercial VHF and commercial UHF television stations and holders of construction permits for new stations whose license or permit was granted on or before October 1, 1998. Commercial television station licensees who also hold auxiliary broadcast service licenses operated in conjunction with the main TV station (e.g., remote pickup stations, intercity relay stations) will also be assessed a regulatory fee for each of these stations. Governments and nonprofit entities (exempt under Section 501 of the Internal Revenue Code) are not required to pay regulatory fees and should not submit payment. *The Commission requires that each exempt entity submit, or have on file with the Commission, a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental authority attesting to its exempt status.*

FEE REQUIREMENT: Fees are assessed commercial television stations licensees based upon the size of the Nielsen Designated Market Area (DMA) in which their stations are listed in the 1999 Edition of the TV & Cable Factbook No. 67 as published by Warren Publishing. Fees will be assessed as follows:

Commercial VHF Stations:	Regulatory Fee	Payment Type Code
Markets 1-10:	\$41,225	MAV9
Markets 11-25:	\$34,325	MBV9
Markets 26-50:	\$23,475	MEV9
Markets 51-100:	\$13,150	MGV9
Remaining Markets:	\$3,400	MIV9
Broadcast Auxiliary Station	\$12	MUB9
Construction Permits:	\$2,775	MJV9

Commercial UHF Stations:	Regulatory Fee	Payment Type Code
Markets 1-10:	\$15,550	MCU9
Markets 11-25:	\$11,775	MDU9
Markets 26-50:	\$7,300	MFU9
Markets 51-100:	\$4,350	MHU9
Remaining Markets:	\$1,175	MJU9
Broadcast Auxiliary Station	\$12	MUB9
Construction Permits:	\$2,900	MKU9

Satellite TV Stations:	Regulatory Fee	Payment Type Code
All Markets:	\$1,300	MSS9
Construction Permits:	\$460	MCS9

Note that a commercial television station licensee will be assessed \$12 for each auxiliary license it holds. Holders of construction permits (CPs) for new television stations for which a license to cover the CP had not been granted as of October 1, 1998, will be assessed \$2,775 (VHF), \$2,900 (UHF), or \$460 (Satellite TV) for each permit held, regardless of market size.

**FEE PAYMENT PROCEDURES FOR LPTV, TV TRANSLATORS
& TV BOOSTERS, FM TRANSLATORS & FM BOOSTERS**

WHO MUST PAY: Holders of Low Power Television, TV translator and booster licenses, and FM translator and booster licenses whose license was granted before October 1, 1998 will be assessed a regulatory fee. Governments and nonprofit entities (exempt under Section 501 of the Internal Revenue Code) are not required to pay regulatory fees and should not submit payment. *The Commission requires that each exempt entity submit, or have on file with the Commission, a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental authority attesting to its exempt status.* Also exempted from this fee are noncommercial educational FM and full service television broadcast station licensees that hold low power television, TV translator or TV booster licenses, or FM translator or FM booster licenses issued on or before October 1, 1998, provided those stations operate on a noncommercial educational basis. We will automatically waive the regulatory fee for the licensee of any translator that: (1) is not licensed to, in whole or in part, and does not have common ownership with, the licensee of a commercial broadcast station; (2) does not derive income from advertising; and (3) is dependent on subscriptions or contributions from the members of the community served for support. Finally, licensees of low power television, TV translator or TV booster, or FM translator or FM booster stations whose licenses were issued on or before October 1, 1998, and which have obtained a fee refund because of an NTIA facilities grant for their station or a fee waiver because of demonstrated compliance with the eligibility and service requirements of § 73.621 of the Commission's Rules, are similarly exempt from payment of this regulatory fee. Licensees claiming an exemption based on one of these latter criteria should not submit payment. *The Commission requires that each exempt entity submit, or have on file with the Commission, a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental authority attesting to its exempt status.*

FEE REQUIREMENT: Fees are assessed on a per license basis as follows:

Type of License	Regulatory Fee	Payment Type Code
Low Power Television Station, TV Translator/TV Booster	\$290	MLP9
FM Translator/FM Booster	\$290	MSF9

**FEE PAYMENT PROCEDURES FOR MULTIPOINT AND MULTICHANNEL
MULTIPOINT DISTRIBUTION SERVICES**

WHO MUST PAY: Holders of multipoint distribution service licenses (including multichannel multipoint distribution service) whose licenses were granted on or before October 1, 1998. Governments and nonprofit entities (exempt under Section 501 of the Internal Revenue Code) are not required to pay regulatory fees and should not submit payment. *The Commission requires that each exempt entity submit, or have on file with the Commission, a current IRS Determination Letter documenting its nonprofit status, a certification of governmental authority, or certification from a governmental authority attesting to its exempt status.*

FEE REQUIREMENT: Fees are assessed on a per call sign basis as follows:

Type of License	Regulatory Fee	Payment Type Code
Multipoint Distribution Service (including Multichannel Multipoint Distribution Service)	\$285	MDS9

SPECIAL INSTRUCTIONS FOR COMPLETING FCC FORMS 159 AND 159-C

FCC Form 159 ("FCC Remittance Advice") and, as necessary, FCC Form 159-C ("Advice Continuation Sheet") must accompany all regulatory fee payments. FCC Form 159 allows payers to report information on one or more payment items (e.g., multiple FM or TV station licenses). Use FCC Form 159-C to report additional payments.

FCC Forms 159 and 159-C have been attached to this Public Notice for you to complete and remit with your payment. You may make additional copies of the forms as required. In addition to the instructions for FCC Form 159, the following information applies specifically to mass media fee payers.

Block (10) - "Telephone Number"

- ▶ Enter the telephone number of the individual responsible for submitting the payment and supporting FCC Form 159 and Form 159-C.

Block (19) - "FCC CALL SIGN/OTHER ID"

- ▶ All Mass Media payers must enter in this block their unique facility identification number of the AM, FM, TV, Low Power Television, Translator, and Booster station(s) for which the regulatory fee is being paid. Facility ID Numbers for these stations can be obtained at the FCC's Internet Website at www.fcc.gov/mmb/asd/seacall.html or by calling: Radio (202) 418-2730, TV (202) 418-1600. Further, the Facility ID Number is now included on all Radio and TV authorizations and postcards.
- ▶ Payers of the regulatory fee for broadcast auxiliary station(s) and Multipoint Distribution Service station(s) must enter their station's call sign.

Block (20) - "PAYMENT TYPE CODE":

Enter the appropriate payment type code as listed below:

AM AND FM RADIO STATIONS

- MAA9:** Use this code when paying a regulatory fee for Class A, AM Radio, with population served of less than 20,000. (\$430)
- MAB9:** Use this code when paying a regulatory fee for Class A, AM Radio, with population served between 20,001 and 50,000. (\$825)
- MAC9:** Use this code when paying a regulatory fee for Class A, AM Radio, with population served between 50,001 and 125,000. (\$1,350)
- MAD9:** Use this code when paying a regulatory fee for Class A, AM Radio, with population served between 125,001 and 400,000. (\$2,000)
- MAE9:** Use this code when paying a regulatory fee for Class A, AM Radio, with population served between 400,001 and 1,000,000. (\$2,750)
- MAF9:** Use this code when paying a regulatory fee for Class A, AM Radio, with population served of greater than 1,000,000. (\$4,400)
- MBA9:** Use this code when paying a regulatory fee for Class B, AM Radio, with population served of less than 20,000. (\$325)
- MBB9:** Use this code when paying a regulatory fee for Class B, AM Radio, with population served between 20,001 and 50,000. (\$650)
- MBC9:** Use this code when paying a regulatory fee for Class B, AM Radio, with population served between 50,001 and 125,000. (\$875)
- MBD9:** Use this code when paying a regulatory fee for Class B, AM Radio, with population served between 125,001 and 400,000. (\$1,400)
- MBE9:** Use this code when paying a regulatory fee for Class B, AM Radio, with population served between 400,001 and 1,000,000. (\$2,250)
- MBF9:** Use this code when paying a regulatory fee for Class B, AM Radio, with population served of greater than 1,000,000. (\$3,600)
- MCA9:** Use this code when paying a regulatory fee for Class C, AM Radio, with population served of less than 20,000. (\$225)
- MCB9:** Use this code when paying a regulatory fee for Class C, AM Radio, with population served between 20,001 and 50,000. (\$325)
- MCC9:** Use this code when paying a regulatory fee for Class C, AM Radio, with population

- served between 50,001 and 125,000. (\$450)
- MCD9:** Use this code when paying a regulatory fee for Class C, AM Radio, with population served between 125,001 and 400,000. (\$675)
- MCE9:** Use this code when paying a regulatory fee for Class C, AM Radio, with population served between 400,001 and 1,000,000. (\$1,250)
- MCF9:** Use this code when paying a regulatory fee for Class C, AM Radio, with population served of greater than 1,000,000. (\$1,750)
- MDA9:** Use this code when paying a regulatory fee for Class D, AM Radio, with population served of less than 20,000. (\$275)
- MDB9:** Use this code when paying a regulatory fee for Class D, AM Radio, with population served between 20,001 and 50,000. (\$450)
- MDC9:** Use this code when paying a regulatory fee for Class D, AM Radio, with population served between 50,001 and 125,000. (\$675)
- MDD9:** Use this code when paying a regulatory fee for Class D, AM Radio, with population served between 125,001 and 400,000. (\$825)
- MDE9:** Use this code when paying a regulatory fee for Class D, AM Radio, with population served between 400,001 and 1,000,000. (\$1,500)
- MDF9:** Use this code when paying a regulatory fee for Class D, AM Radio, with population served of greater than 1,000,000. (\$2,250)
- MFA9:** Use this code when paying a regulatory fee for Class A, B1 & C3, FM Radio, with population served of less than 20,000. (\$325)
- MFB9:** Use this code when paying a regulatory fee for Class A, B1 & C3, FM Radio, with population served between 20,001 and 50,000. (\$650)
- MFC9:** Use this code when paying a regulatory fee for Class A, B1 & C3, FM Radio, with population served between 50,001 and 125,000. (\$875)
- MFD9:** Use this code when paying a regulatory fee for Class A, B1 & C3, FM Radio, with population served between 125,001 and 400,000. (\$1,400)
- MFE9:** Use this code when paying a regulatory fee for Class A, B1 & C3, FM Radio, with population served between 400,001 and 1,000,000. (\$2,250)
- MFF9:** Use this code when paying a regulatory fee for Class A, B1 & C3, FM Radio, with population served of greater than 1,000,000. (\$3,600)
- MFG9:** Use this code when paying a regulatory fee for Class B, C, C1 & C2, FM Radio, with population served of less than 20,000. (\$430)

- MFH9:** Use this code when paying a regulatory fee for Class B, C, C1 & C2, FM Radio, with population served between 20,001 and 50,000. (\$825)
- MF19:** Use this code when paying a regulatory fee for Class B, C, C1 & C2, FM Radio, with population served between 50,001 and 125,000. (\$1,350)
- MFJ9:** Use this code when paying a regulatory fee for Class B, C, C1 & C2, FM Radio, with population served between 125,001 and 400,000. (\$2,000)
- MFK9:** Use this code when paying a regulatory fee for Class B, C, C1 & C2, FM Radio, with population served between 400,001 and 1,000,000. (\$2,750)
- MFL9:** Use this code when paying a regulatory fee for Class B, C, C1 & C2, FM Radio, with population served of greater than 1,000,000. (\$4,400)
- MUB9:** Use this code when paying a regulatory fee for a broadcast auxiliary station license held by an AM or FM radio station licensee. (\$12)
- MTA9:** Use this code when paying a regulatory fee for a construction permit for an AM radio station (\$260).
- MNF9:** Use this code when paying a regulatory fee for a construction permit for an FM radio station (\$780).

VHF TELEVISION STATIONS

- MAV9:** Use this code when paying a regulatory fee for a commercial VHF television station in Nielsen markets 1-10 (\$41,225).
- MBV9:** Use this code when paying a regulatory fee for a commercial VHF television station in Nielsen markets 11-25 (\$34,325).
- MEV9:** Use this code when paying a regulatory fee for a commercial VHF television station in Nielsen markets 26-50 (\$23,475).
- MGV9:** Use this code when paying a regulatory fee for a commercial VHF television station in Nielsen markets 51-100 (\$13,150).
- MIV9:** Use this code when paying a regulatory fee for a commercial VHF television station in all other Nielsen markets (\$3,400).
- MJV9:** Use this code when paying a regulatory fee for a construction permit for a commercial VHF television station (\$2,775).

- MUB9:** Use this code when paying a regulatory fee for a broadcast auxiliary station license held by a VHF television station licensee. (\$12)

UHF TELEVISION STATIONS

- MCU9:** Use this code when paying a regulatory fee for a commercial UHF television station in Nielsen markets 1-10 (\$15,550).

- MDU9:** Use this code when paying a regulatory fee for a commercial UHF television station in Nielsen markets 11-25 (\$11,775).
- MFU9:** Use this code when paying a regulatory fee for a commercial UHF television station in Nielsen markets 26-50 (\$7,300).
- MHU9:** Use this code when paying a regulatory fee for a commercial UHF television station in Nielsen markets 51-100 (\$4,350).
- MJU9:** Use this code when paying a regulatory fee for a commercial UHF television station in all other Nielsen markets (\$1,175).
- MKU9:** Use this code when paying a regulatory fee for a construction permit for a commercial UHF television station (\$2,900).
- MUB9:** Use this code when paying a regulatory fee for a broadcast auxiliary station license held by a UHF television station licensee. (\$12)

SATELLITE TELEVISION STATIONS

- MSS9:** Use this code when paying a regulatory fee for a satellite TV station (\$1,300).
- MCS9:** Use this code when paying a regulatory fee for a construction permit for a satellite TV station (\$460).

**LOW POWER TELEVISION STATION, TV TRANSLATOR/BOOSTER,
FM TRANSLATOR/BOOSTER**

- MLP9:** Use this code when paying a regulatory fee for a Low Power Television station, or a television translator or television booster (\$290).
- MSF9:** Use this code when paying a regulatory fee for an FM translator or FM booster (\$290).

BROADCAST AUXILIARY STATION

- MUB9:** Use this code when paying a regulatory fee for a broadcast auxiliary station (\$12).

MULTIPOINT DISTRIBUTION SERVICE STATION

- MDS9:** Use this code when paying a regulatory fee for a multipoint distribution service station (\$285).

Block (21) - "QUANTITY":

- ▶ All Mass Media fee payers must enter "1" in this block.

Block (22) - "FEE DUE":

- ▶ Enter the dollar amount associated with the corresponding Payment Type Code entered in Block (20).

Block (23) - "FCC CODE 1":

- ▶ If you are paying an AM, FM, TV, Low Power Television, Translator, or Booster regulatory fee, enter the call letters of the station for which the regulatory fee is being paid.
- ▶ If you are paying a broadcast auxiliary or a multipoint distribution service station regulatory fee, leave this block blank.

Block (24) - "FCC CODE 2":

- ▶ If you are paying an AM, FM, TV or Low Power Television regulatory fee, enter the name of the state and community (in that order) of license for the station for which the regulatory fee is being paid. Please note that this block is for state and community of license, not mailing address. Please use the appropriate two letter post office abbreviation for the state.
- ▶ If you are paying a TV translator, TV booster, broadcast auxiliary, FM translator, FM booster or a multipoint distribution service station regulatory fee, leave this block blank.

Block (25) - "PAYER TIN":

- ▶ Enter the fee payer's nine digit Taxpayer Identification Number.

Block (26) - "APPLICANT TIN":

- ▶ If different from payer, enter the applicant's nine digit Taxpayer Identification Number.

Block (27) - "CERTIFICATION":

- ▶ Provide the printed name and signature of an individual owner/licensee or officer attesting to the accuracy and completeness of the information supplied.

Please remember to include a daytime telephone number so that the Federal Communications Commission can contact you if questions arise regarding your payment.

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