

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 7 2001

OFFICE OF
MANAGING DIRECTOR

86-285

James E. Rogers
President
Ruby Mountain Broadcasting Company
1025 Chilton Circle
Elko, Nevada 89801

RE: Request for Waiver and Reduction of
Regulatory Fees for Fiscal Year 2000
KENV (TV)
Fee Control No. 0009158835240003
Fee Paid \$22,750.00

Dear Mr. Rogers:

This is in response to the petition for reduction of regulatory fee for Fiscal Year (FY) 2000, filed by Ruby Mountain Broadcasting Company, licensee of Channel 10, KENV(TV), Elko, Nevada. That petition seeks a refund of \$19,450.00, which reflects the difference between the 2000 regulatory fee assessment (\$22,750.00) and the amount charged to VHF television stations (\$3,300.00) in the remaining market category (markets 101 and above).

The Commission has set standards for determining whether the regulatory fees for a television station may be reduced below the fees assessed for stations in the relevant Designated Market Area. *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12763 (1995). The Commission will reduce fees for television stations having certain characteristics. *Id.* Such a station must be located outside the metropolitan area of the principal city in the assigned DMA, and may not provide a Grade B signal to a substantial portion of the assigned market's metropolitan areas. *Id.* Stations that meet these criteria and request fee reductions will be assessed regulatory fees based on the number of households they serve; stations that serve fewer television households than are in the top 100th market will be assessed the regulatory fee for remaining market stations. *Id.*

Ruby Mountain argues that, although KENV(TV) is listed as being within the Salt Lake City, Utah DMA, good cause exists for reduction of its regulatory fee. In this regard, Ruby Mountain contends that it does not operate (nor serve the viewers) in the Salt Lake City television market, that KENV(TV)'s signal does not reach beyond the Nevada border, and that its signal reaches approximately 16,750 households. In fact, it appears that Ruby Mountain's station is located outside the metropolitan area of the principal city

in its assigned DMA, that it does not provide a Grade B signal to a substantial portion of its market's metropolitan area, and that it serves fewer television households than are in the top 100th market. See *2000 Television & Cable Factbook*. In light of these circumstances, KENV(TV) has met the Commission's standards, as set forth above, for reduction of its regulatory fee for FY 2000 and your petition for reduction of regulatory fee is therefore granted.

For purposes of regulatory fee assessments in subsequent years, and absent significant changes in the factual situation, KENV(TV) will not be treated as a station in the Salt Lake City, Utah, DMA. KENV(TV) will be required to submit the regulatory fee for the market with the number of television households closest to, but not lower than, the figures for KENV(TV) as reported in the *Television & Cable Factbook* for that year. You should note that KENV(TV) is under a continuing obligation to report to the Commission any changes in its operations that could affect its qualification for regulatory fee reduction. Finally, you should retain this letter and submit a copy of it with any future correspondence with the Commission concerning the regulatory fee for KENV(TV).

A check made payable to the maker of the original check, and drawn in the amount of \$19,450.00, will be provided at the earliest practicable time. If you have any questions concerning this letter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



 Mark A. Reger
Chief Financial Officer



0009158835240003

2/11

2000 10 13 05

9/6/00

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

Re: **Ruby Mountain Broadcasting Company ("RMBC")**
Licensee of Channel 10, KENV (TV), Elko, Nevada

To Whom it May Concern:

Enclosed for filing is RMBC's Petition for Reduction of Regulatory Fee ("Petition"). In accordance with instructions provided by the Commission's public notice entitled "FY 2000 Mass Media Regulatory Fees" dated August 2, 2000, and as referenced within the text of the Petition, full payment of the assessed regulatory fees have been submitted to the Commission under separate cover. A true and correct copy of RMBC's regulatory fee remittance is enclosed herein for your reference.

Also enclosed is a "stamp & receipt" copy of the Petition for return-receipt purposes. For your convenience a self-addressed stamped envelope is provided to return the stamp-receipted copy.

Thank you for your assistance with this matter. If you require any additional information in support of this request or have any questions regarding the enclosed documents, please feel free to contact me at the address and phone number listed above.

Sincerely,

Shelley Goings
Secretary

Closures

serving markets with the same number of television households.¹

2. KENV(TV) is a commercial VHF television station licensed to Elko, Nevada, operating at approximately 3 kw and is listed as within the Salt Lake City, Utah Designated Market Area ("DMA").²

3. The Salt Lake City DMA is defined by *The Broadcast and Cable Yearbook 2000*, as the thirty-sixth (36th) largest market in the nation and includes 720,860 Nielsen DMA Televisions Households.³ According to the Commission's schedule for 2000 regulatory fees, KENV(TV) owes \$22,750.00 in regulatory fees, by virtue of its status as a Commercial VHF Station in Markets 26-50.⁴

4. KENV(TV) has timely remitted the full \$22,750.00 in regulatory fees due, and accompanies such payment with this Petition for Reduction of Regulatory Fee.

5. In support of its request for a reduction in fees, KENV(TV) represents that it does not in fact operate (nor serve the viewers) in the Salt Lake City, Utah, television market. Salt Lake City, Utah is in the adjoining state some 250 miles away from Elko, Nevada, and the KENV(TV) signal does not reach beyond the Nevada border, let alone anywhere near Salt Lake City. Attached as Exhibit A is a copy of KENV(TV)'s coverage map. This coverage map

¹See In Re Implementation of Section 9 of the Commissions Act Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Memorandum Opinion and Order, FCC 95-257, 10 FCC Rcd. 12759, ¶ 22 (1995) (hereinafter Memorandum Opinion and Order).

²*The Broadcast and Cable Yearbook 2000*, p. B-224.

³Id.

⁴See FY 2000 Mass Media Regulatory Fees, Public Notice, August 2, 2000.

illustrates that KENV(TV)'s signal does not reach beyond Nevada's border.

6. KENV(TV) is an NBC affiliate whose Grade B contour and eight translators reach approximately 16,750 households in Elko and surrounding counties and is broadcast on only four (4) cable systems. In comparison, according to *The Broadcast and Cable Yearbook 2000*, p. B-83, the NBC affiliate station in Salt Lake City, KOL-TV, is broadcast on 52 cable systems and 121 translators located throughout the DMA which consists of 720,860 households. Further, satellite dishes are making it possible for signals from Salt Lake City to reach Elko. Therefore, stations in Salt Lake City can take advantage of sale profits in Elko, where, KENV(TV) cannot take advantage of sale profits in Salt Lake City.

7. As stated above, as a licensed VHF television station, KENV(TV) is required to pay \$22,750 in regulatory fees. KENV(TV)'s gross income for 1999 was only approximately \$317,000 and its operating costs exceeded that income.

8. The \$22,750 fee is nearly equivalent to one month of KENV(TV)'s revenue, and would automatically reduce KENV(TV)'s gross income by 7% per year, thus forcing KENV(TV) to operate further in the negative.

9. KENV(TV) could not operate at the heavy losses that would certainly result if it was forced to pay the fees as stated. KENV(TV) already operates at maximum efficiencies with a small staff of only ten people and the use of satellite programming from its sister station KRNVT(TV), Reno, Nevada for all but 45 minutes a day of local news related programming, making any other cuts in operating costs almost impossible.

10. Accordingly, the Commission's levy of the regulatory fees on KENV(TV) would not serve the public interest as it could cause the loss of this sole local television station, or, at a

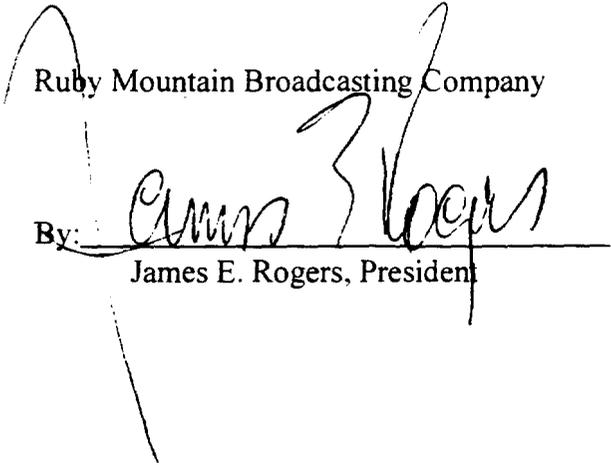
minimum the loss of its cost intensive local programming.

11. Channel 10 (KENV(TV)) is the only commercial station allotted to Elko, Nevada at this time in the Table of Allotments at 47 CAR § 73.606(b).

Pursuant to the facts set forth above and in accordance with the policy stated in the Memorandum Opinion and Order, KENV(TV) requests a reduction in its regulatory fees for fiscal year 2000 from \$22,750.00 to \$3,300.00. KENV(TV) requests a refund of \$19,450.00 which reflects the difference between the 2000 regulatory fee assessment and the amount charged to VHF stations in the Remaining Market category. KENV(TV) requests that this refund be tendered at the earliest possible date.

Respectfully submitted,

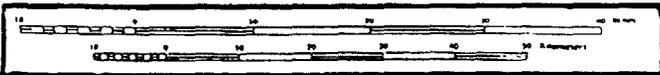
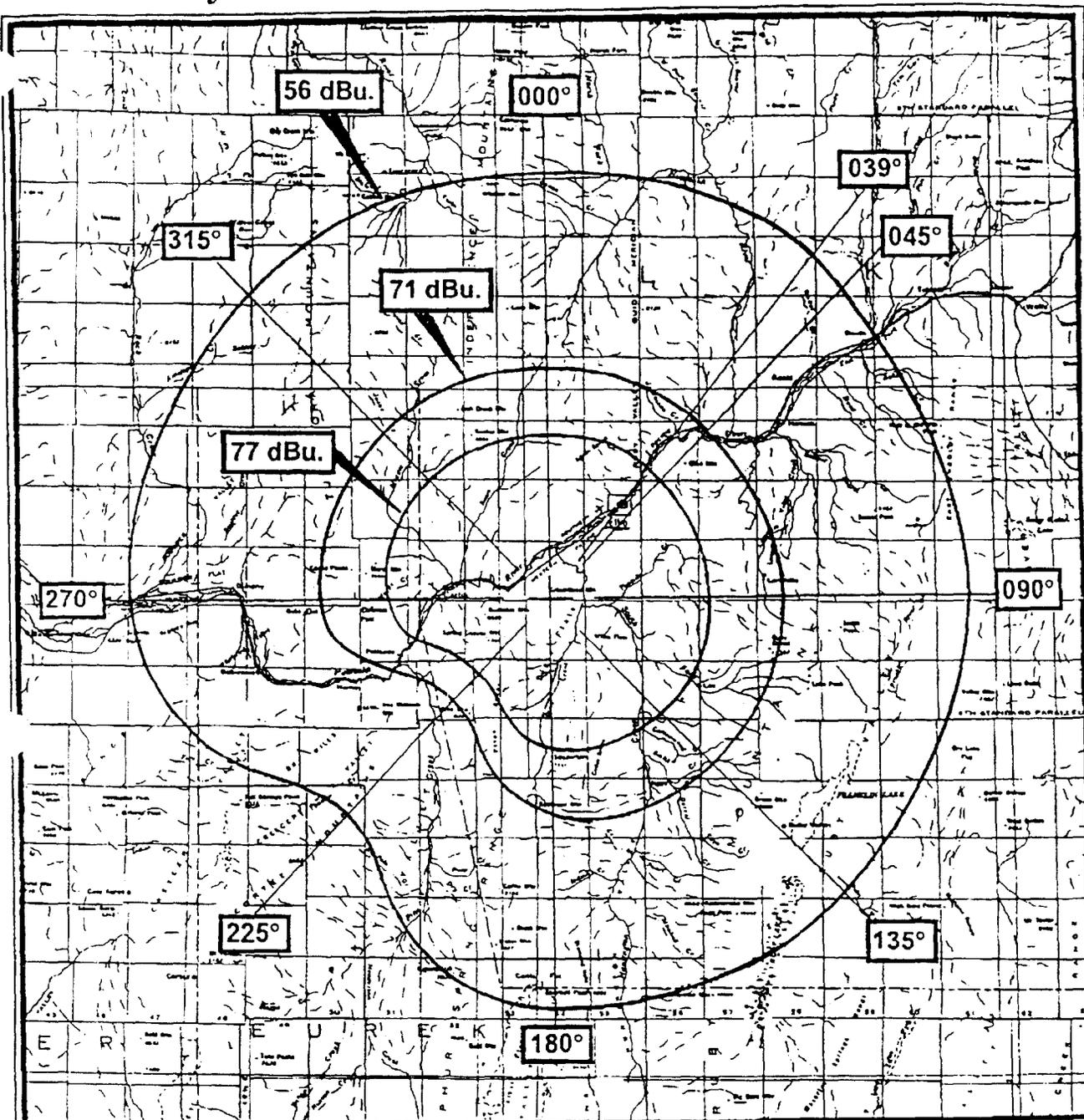
Ruby Mountain Broadcasting Company

By: 

James E. Rogers, President

August 30
, 2000

EXHIBIT A



Map Source:
Nevada State
1:1,000,000

EXHIBIT E-4
PROPOSED SERVICE CONTOURS
KANL CHANNEL 10-
SUNBELT BROADCASTING CO.
Elko, Nevada
July, 1996



VIA OVERNIGHT COURIER TO: Federal Communications Commission
 c/o Mellon Bank
 Three Mellon Bank Center
 525 William Penn Way, 27th Floor., Rm 153-2713
 Pittsburgh, Pennsylvania 15259-0001
 ATTN.: FCC Module Supervisor

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

Re: Ruby Mountain Broadcasting Company (FRN - 0001 - 5932 - 92)
 Annual Mass Media Regulatory Fees, Fiscal Year 2000

Dear Sir/Madam:

Enclosed please find for filing with the Commission, Yuma Broadcasting Company's Remittance Advice ("Form 159") together with a check in the amount of Twenty Two Thousand Eight Hundred Twenty Two dollars (\$22,822.00) as payment of the annual regulatory fees for fiscal year 2000 for the following licenses:

Main -VHF	KENV, Channel 10, Elko, Nevada
Auxiliary	WPNG807, WPNG806, WMV408, WMW736, WMW737, WPJA699

Also enclosed is an extra copy of Form 159 and this transmittal letter for receipt purposes. It is identified as the "Stamp & Receipt" copy. Please return the receipted copy in the self-addressed stamped envelope herein.

If you have any questions regarding the this matter, please contact the undersigned.

Sincerely,

Shelley Gongs
 Secretary

Enclosures