

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

APR 10 2001

OFFICE OF
MANAGING DIRECTOR

Alan L. Button
President
Woolstone Corporation
Post Office Box 1087
100 Karin Court
Angier, North Carolina 27501

86-285

RE: Request for Waiver and Refund of
FY 1999 and 2000 Regulatory Fees
Fee Control Nos. 9909208835468007
and 0009218835763004

Dear Mr. Button:

This is in response to the requests for waiver and refund of the Fiscal Year (FY) 1999 and Fiscal Year (FY) 2000 regulatory fees, filed on behalf of Woolstone Corporation, permittee of Channel 283A, Aurora, North Carolina.

You state that you have paid fees of \$780.00 for FY 1999 and \$755.00 for FY 2000, but that the construction permit that the Commission issued to Woolstone Corporation for Channel 283A in Aurora, North Carolina (BPH-19970227MD), has been conditioned on the outcome of MM Docket No. 95-88, in which, among other things, the Commission refused to substitute Channel 283A with Channel 221A. Noting the pendency of a Petition for Reconsideration of the Commission's action in MM Docket No. 95-88, you assert that, given the uncertain, non-final status of your construction permit, you cannot proceed with construction of the proposed station at this time and that these extraordinary and compelling circumstances warrant waiver and refund of the fees in question.

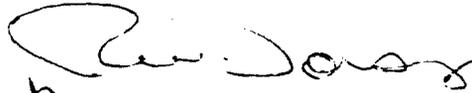
You are correct that the construction permit for the new FM station on Channel 283A, Aurora, North Carolina is encumbered. In this regard, it appears that the Commission has concluded that the construction of your proposed station has been prevented by circumstances that are not under your control and the expiration date of your construction permit has been tolled pursuant to the provisions of 47 C.F.R. § 73.3598(b)(ii). See Letter of Linda Blair, Chief Audio Services Division, Mass Media Bureau dated October 23, 2000. Under these circumstances, it is clear that good cause has been shown and that the requested relief will serve the public interest. Accordingly, your requests for waiver of the FY 1999 and FY 2000 regulatory fees will be granted.

Alan L. Button

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Checks made payable to the maker of the original checks, and drawn in the amounts of \$780.00 and \$755.00, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please call the Revenue & Receivable Operation Group at 418-1995.

Sincerely,

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

Mark Reger
Chief Financial Officer

RECEIVED
2000 SEP 15 10:10 AM

~~6009218835763604~~
6009218835763004*
9909208835468007

Woolstone Corporation

100 KARIN COURT
ANGIER, NORTH CAROLINA 27501

*THIS FCN WILL BE USED
IN THE DATABASE,

ALAN L. BUTTON
PRESIDENT

September 22, 1999

Office of the Managing Director
Federal Communications Commission
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554

Re: Regulatory Fee Waiver Request (BPH-970227MD)

Dear Sir or Madam:

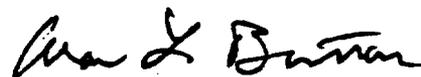
This letter constitutes Woolstone Corporation's request for a waiver of the 1999 regulatory fee of \$780 for Woolstone's construction permit for Channel 283A in Aurora, North Carolina. A description of the extraordinary and compelling circumstances supporting Woolstone's request follows.

Woolstone was granted a conditional construction permit on January 12, 1998. In awarding the construction permit, the Commission took the highly unusual step of making the permit non-final, conditioning its ultimate viability on the outcome in MM Docket No. 95-88. In that proceeding, the petitioner seeks, among other things, reconsideration of the Commission's decision refusing to substitute Channel 283A with Channel 221A. Such a substitution, as stated in Woolstone's submissions in that proceeding and in BPH-970227MD, would almost certainly foreclose the procurement of any suitable tower site. Accordingly, since the proceeding was still unresolved in April 1999 and since the permit was set to expire on July 12, 1999, Woolstone requested and was granted an extension of the permit until January 12, 2001.

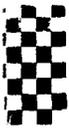
MM Docket No. 95-88 is, however, still pending. Since the Commission has not yet issued a decision, Woolstone continues in limbo, faced with the real possibility of losing not only what it has already invested but now an additional \$780 fee as well. The public interest in reimbursing the Commission for its regulatory costs is clearly overridden in this case by the public interest in treating applicants fairly and not imposing fees for permits that are non-final. This is especially true when such permits may be rendered valueless, notwithstanding applicants' substantial investments, because of Commission decisions (yet to be made) in long-pending proceedings. Accordingly, Woolstone hereby requests a waiver and refund of the fee.

Thank you for your consideration.

Very truly yours,



Alan L. Button, President



Woolstone Corporation

P.O. Box 1087
100 KARIN COURT
ANGIER, NORTH CAROLINA 27501

ALAN L. BUTTON
PRESIDENT

FAX: (919) 639-0671

By Fax: (202) 418-2843 (2 pages, including this cover)

To: Mr. Tom Putnam
Credit and Debt Management Group
Federal Communications Commission

From: Alan L. Button *ALB*

Date: September 19, 2000

Re: WFPF Regulatory Fees for 1999 and 2000

Per the telephone message/request that I got from your office yesterday, following is a copy of Woolstone's September 1999 fee waiver request.

As noted, Woolstone's construction permit for Aurora, North Carolina is conditional. Since we have not yet received a response to our 1999 waiver request, we are once again paying the annual fee. At the same time, however, we once again request a waiver on the grounds identified in our 1999 request. As of today, the construction permit remains in limbo. In fact, MM Docket No. 95-88 has an Application for Review pending currently.

Please give me a call at my office at (910) 893-1767 if you would like any additional information.

Thank you for your consideration.

Woolstone Corporation

P.O. Box 1087
100 KARIN COURT
ANGIER, NORTH CAROLINA 27501

ALAN L. BUTTON
PRESIDENT

FAX: (919) 639-0671

By Fax: (202) 418-2843 (4 pages, including this cover)

December 18, 2000

Ms. Susan Donahue
Revenue and Receivable Operations Group
Federal Communications Commission
445 12th Street, S.W., Room 1-A820
Washington, D.C. 20554

Re: Regulatory Fee Waiver and Refund Request (BPH-970227MD)

Dear Ms. Donahue:

I am writing to reiterate Woolstone Corporation's request for a waiver and refund of the 1999 and 2000 regulatory fees for its Aurora, North Carolina (Channel 283A) construction permit. Those fees are \$780 and \$755, respectively, for a total of \$1535.

Since we last wrote on September 19, 2000, there has been one significant additional development that confirms the extraordinary and compelling circumstances justifying our request. On October 23, 2000, the Commission expressly acknowledged that this permit continues to be "encumbered" by a rulemaking proceeding commenced in 1995 (MM Docket 95-88). In fact, there is an application for review now pending in that proceeding. In recognition of the still uncertain non-final status of the permit, the Commission has tolled the start of the running of the permit period until the application for review is resolved. For your information, a copy of the FCC's October 23rd determination is enclosed. I am also enclosing for your information copies of our previously submitted 1999 and 2000 requests for refunds.

At this point, Woolstone would very much appreciate your expedited consideration of this request. If you have any questions, please do not hesitate to contact either me (at (910) 893-1767) or my FCC attorneys at Fletcher, Heald & Hildreth, Vincent Curtis or Anne Crump.

Thank you for your attention to this matter.

Very truly yours,



Alan L. Button, President

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

OCT 23 2000

In Reply Refer To:
1800B3-GDG

Anne Goodwin Crump, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209-3801

In re: WFPF(FM), Aurora, NC
Facility No. 85793
File No. BPH-19970227MD

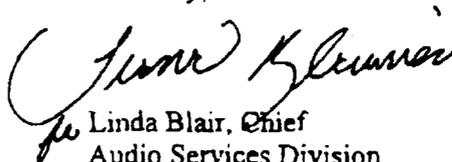
Dear Ms. Crump:

This letter concerns the uncontested October 5, 2000 request filed on behalf of Woolstone Corporation ("Woolstone") that the referenced construction permit be treated pursuant to the tolling provisions of 47 C.F.R. §73.3598(b)(ii). For the reason detailed below, Woolstone's tolling request is granted.

The referenced permit was initially granted January 12, 1998, and expires January 12, 2001. Woolstone states that the referenced permit is "encumbered" by a condition on the referenced permit linking the authorization's finality to finality in a contested rulemaking proceeding, MM Docket 95-88. That proceeding remains ongoing. Our analysis confirms that the referenced permit is eligible, pursuant to the *Report and Order* in MM Docket 98-43, 13 FCC Rcd 23056, (1998), *recon. granted in part and denied in part* 14 FCC Rcd 17525, 17540 (1999), for tolling.

Accordingly, Woolstone's tolling request is granted. Upon notification to this office, pursuant to 47 C.F.R. §73.3598(d), that the tolling matter has been resolved, we will permanently modify the Commission's records to reflect the appropriate expiration date. If the tolling event has not been resolved by January 12, 2001, please notify the Commission of that fact with a courtesy copy to Glenn Greisman, Industry Analyst, Audio Services Division (Room 2-B450).

Sincerely,



Linda Blair, Chief
Audio Services Division
Mass Media Bureau

Cc: Ellen Mandell Edmundson, Esq.

Woolstone Corporation

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ALAN L. BUTTON
PRESIDENT

September 22, 1999

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Federal Communications Commission
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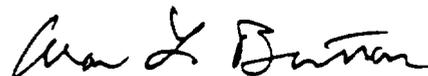
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Alan L. Button, President