

0000 R R06-01-004



Fraternal Order of Eagles
Skyline Aerie No. 4270
North Fort Myers, Florida

2001 JUL 15 P 3:41

16 July 2001

Managing Director
Federal Communications Commission
445 12th Street, SW, Room 1A625
Washington, DC 20554

Subject: AM Construction Permit Fee Waiver

Dear Sir:

We at the Fraternal Order of Eagles, Skyline Aerie No. 4270, want to apply for a construction permit to build an AM radio station. The Fraternal Order of Eagles is a benevolent, non-profit agency, in North Fort Myers, Florida. However, the three thousand three hundred (\$3,300.00) dollar construction permit fee would seriously hinder our ability to apply for this station permit. Therefore we request a waiver of that fee under FCC Rule 47 CFR for good reasons and fairness.

The proposed radio station would operate in the public good under the auspices of the Fraternal Order of Eagles. Our organization does not discriminate against race or creed. We work hard to promote our credo of "People Helping People", and our station would be operated for that purpose and to serve the public interest of the people in and around, North Fort Myers.

Please grant our request for a waiver of the construction permit fee so we may proceed in our endeavors to pursue an FCC license when the window of opportunity opens.

Thank you,


Marylyn P. Kotas
549 Evergreen Road
North Fort Myers, Florida 33903

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 28 2001

OFFICE OF
MANAGING DIRECTOR

Captain Edward A. Dietrich
Director of Fleet and Facility
Hurricane Island
Outward Bound School
Post Office Box 429
Rockland, Maine 04841

RE: Request for Waiver-Exemption of Application Fee
(GMDSS) by Hurricane Island Outward Bound School
Fee Control No.: 000000 BCB-99-003

Dear Captain Dietrich:

This is in response to your request for a waiver of application fees to seek exemption from the Commission's Rules implementing the Global Maritime Distress and Safety System, which would otherwise be required on each of the 22 vessels operated by Hurricane Island Outward Bound School. Because the rule requires each vessel to have the system, and the exemptions are individual to the vessels concerned, a separate application for waiver was required for each vessel, and each application should have included a fee of \$135, for a total of \$2,970. You provided a single fee and requested that we waive the application fees totaling \$2,835 for the additional 21 vessels.

In addition to explaining the reason for requesting the exemptions from the rule, you state that the total application fee, \$2,790 would be a burden on your limited resources. You did not state the nature of the burden or provide any financial information concerning the assets, liabilities or expenses of the school. We note that the rule waiver applies to 22 vessels and is effective for a period of five years. The cost of the application fee for each vessel apportioned over five years is \$27 per year, which represents a relatively small expense.

As you know, on October 28, 1991, we denied a similar request by you to waive the same application fees. Our rule has not changed, and as we stated then, the Commission specifically addressed the issue whether not-for-profit youth organizations are exempt from the Commission's fee requirement to obtain a waiver of the rules. Congress did not establish a general waiver for not-for-profit entities, except for non-profit applicants in the special emergency radio and public safety radio services, although Congress is aware that many not-for-profit organizations use radios to conduct their programs. See Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1989, (Fees II Reconsideration), para. 54, FCC 91-298, released October 10, 1991. While your waiver request is based on the fact that boats are owned and operated by an organization for the benefit of youthful members, we again emphasize that Congress exempted specific non-profit services, but did not include organizations operated for the benefit of youthful members among these exempted services.

Moreover, the Commission indicated that even though it may waive the fee requirement in specific cases "where such action would promote the public interest," *see* 47 U.S.C § 158, the legislative history underlying Section 158 indicates a congressional intent that this provision be narrowly constructed. *See Id.*; Conference Report to accompany H.R.3128, H.R.Rep. No. 453, 99th Cong., 1st Sess. 423 (1985). Given this express limitation on its authority to grant fee waivers, the Commission concluded that you were ineligible for a waiver and the request was denied. Similarly, your current request is denied.

Interest starts to accrue on this debt from the date of this letter, and if the debt remains unpaid for more than 90 days, we are required to add a penalty of 6 percent per year of the unpaid amount. 31 U.S.C. §3717. If we have to initiate collection effort to obtain the amount owed, we will charge you the accompanying administrative costs. You may avoid this additional interest, the additional penalties, and other administrative charges, if you pay the full amount within 30 days of the date of this letter.

If this debt is not paid, we may transfer this debt to the Secretary of the Treasury for collection or to the United States Department of Justice to commence a lawsuit to enforce payment, and/or apply other administrative sanctions. 47 CFR §§1.1161; 1.1164; 1.1940. Any payment received more than 30 days after the date of this letter will be subject to interest, and you may incur additional penalties and administrative costs. Your payment of \$2,835 is due now.

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

Sincerely,



 Mark A. Reger
Chief Financial Officer

000000 BCB - 99 - 003

Send to Bureau



January 27, 1999

Ms. Regina Dorsey
Office of the Managing Director
Federal Communications Commission
Portals Room 1-A820
Washington, DC 20554

RECEIVED
FEDERAL COMMUNICATIONS COMMISSION
JAN 28 1999

Dear Ms. Dorsey,

I am working with Gordon Coifman at the Public Safety and Private Wireless Division of the Wireless Telecommunications Bureau, to renew our present exemption that was last issued on July 19, 1994, (MAR-18/7220-D). This exemption will expire on February 1, 1999. Gordon plans to issue an emergency exemption that will be in effect while we sort out the details of how we will fit into the new GMDSS regulations.

I was hoping that since Hurricane Island Outward Bound School is a small, non-profit, youth oriented organization that conducts courses designed to enable participants to develop their personal resources, we would be able to receive these exemptions at no cost. Sadly, after speaking with Brenda Kessler (1-717-338-2727) yesterday, while we may be exempt from regulatory fees, this charge of \$135, is an application fee. Brenda stated that few organizations qualify for an exemption from these fees.

As you are able to see (enclosed copy of our last exemption) we have been granted one blanket exemption for our 22 small passenger carrying vessels. The reason that I am writing today is; to respectfully request that you agree to allow us to pay only one application fee of \$135 for all 22 vessels that need to have this exemption from the GMDSS regulations.

All 22 vessels are identical in their design and routes. The reason that we must apply for exemption from total compliance with the GMDSS regulations is simply because our vessels lack any means of generating power to charge the VHF radio battery while we are on short voyages (within 3 miles of land) in domestic waters.

I'm sure that you can understand just how difficult it is to provide safe, quality courses for youth, at a price that makes our programs accessible to all. If we must pay the full application fee for all 22 vessels, the total price would be \$2970. In the past, we have paid nothing for this exemption, the burden that this fee would place on our limited resources is onerous. I desperately appeal to your sense of caring and fairness as I ask for help from this burden.

Sincerely,

Capt. Edward A. Dietrich

Capt. Edward A. Dietrich
Director of Fleet and Facility

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

July 19, 1994

In Reply Refer To:
MAR-18/7220-D

Mr. Edward A. Dietrich
Waterfront Director
Hurricane Island Outward Bound School
P.O. Box 429
Rockland, Maine 04841

Dear Mr. Dietrich:

1. This responds to your request for relief from the fees charged for individual exemptions from the radiotelephone requirements of Part III of Title III of the Communications Act of 1934, and reissuance of the exemptions (Communications Act) for the U.S. passenger vessels listed below, while navigated on domestic voyages.

H.I.O.B.S. #1	WUZ 4169	H.I.O.B.S. #11	WUZ 4179
H.I.O.B.S. #2	WUZ 4170	H.I.O.B.S. #12	WUZ 4180
H.I.O.B.S. #3	WUZ 4171	H.I.O.B.S. #13	WUZ 4181
H.I.O.B.S. #4	WUZ 4172	H.I.O.B.S. #14	WUZ 4182
H.I.O.B.S. #5	WUZ 4173	H.I.O.B.S. #15	WUZ 4183
H.I.O.B.S. #6	WUZ 4174	H.I.O.B.S. #16	WUZ 4184
H.I.O.B.S. #7	WUZ 4175	H.I.O.B.S. #17	WUZ 4141
H.I.O.B.S. #8	WUZ 4176	H.I.O.B.S. #18	WUZ 3914
H.I.O.B.S. #9	WUZ 4177	H.I.O.B.S. #22	WAA 6443
H.I.O.B.S. #10	WUZ 4178	FIRST MATE	WAA 6446
SALLY M	WAA 6444	LLAMA	WAA 6445

2. Your request to reduce the fee to \$105 for all 22 ships because you are a non-profit entity has been forwarded to the Managing Director's office for review.

3. With respect to your request for reissuance of the exemptions with a new expiration date, Section 383 of the Communications Act, 47 U.S.C. § 383, authorizes exemptions to be granted to ships when the routes or conditions of the voyages or other circumstances are such as to render a radio installation unreasonable or unnecessary for purposes of Part III of Title III of the Communications Act. Section 383 does not prescribe a specific period for such exemptions. Section 384 of the Communications Act, 47 U.S.C. § 384, authorizes the Commission to specify communications capability and range, and, the addition of equipment to supplement the radiotelephone installation required by Part III of Title III of the Communications Act.

4. In your application for reissuance you state that the above listed ships are all navigated on the same routes, namely: COASTWISE, Atlantic Ocean and Gulf of Mexico between Little River, South Carolina and St. Mary's River, Florida, not more than 3 miles from shore; between Key Largo, Florida and Cape Romano, Florida not more than 6 miles from shore; on voyages in Lakes, Bays and Sounds between Eastport, Maine and Cape Elizabeth, Maine not more than 6 miles from shore, and in Boston Harbor and the Chesapeake Bay. Additionally, you state that each vessel is equipped with a portable marine VHF transceiver rated at 25 watts output power. The VHF transceiver is powered by a main power supply consisting of a 53 amp-hour battery which can not be charged while the vessels are underway.

5. Further, your previous applications have been granted based on each of the vessels being equipped with a high-visibility radar reflector and a Class C emergency position indicating radio beacon (EPIRB). You also stated that the vessels commonly sail in close convoy.

6. In consideration of the limited nature of the ship operations, the communications equipment carried on-board, and the conditions of the voyages, it appears unnecessary to require that the vessels listed in paragraph 1 should be required to comply fully with the radiotelephone requirements contained in Part III of Title III of the Communications Act and Part 80 of the Commission's Rules while being navigated on domestic voyages as stated in paragraph 4. Accordingly, IT IS ORDERED, THAT the U.S. passenger vessels listed in paragraph 1, ARE EXEMPT from the full application of the radiotelephone requirements of Part III of Title III of the Communications Act and Part 80 of the Commission's Rules when navigated on domestic voyages in the Atlantic Ocean and Gulf of Mexico between Little River, South Carolina and St. Mary's River, Florida, not more than 3 miles from shore; between Key Largo, Florida and Cape Romano, Florida not more than 6 miles from shore; on voyages in Lakes, Bays and Sounds between Eastport, Maine and Cape Elizabeth, Maine not more than 6 miles from shore, and in Boston Harbor and the Chesapeake Bay never more than 3 miles from the nearest land.

7. Reissuance and consolidation of these exemptions is granted based on representations made on your request for reissuance dated June 1, 1994, and are valid only when the operation or circumstances affecting the safety of the named vessels, which make full compliance with the radiotelephone provisions of the Communications Act unnecessary, remains unchanged. Additionally, you may be billed in the future for an additional fee after review by the Managing Director's office.

Mr. Edward A. Dietrich

3.

8. These exemptions supersede any exemption previously granted the vessels named in paragraph 1 and remain effective for a period ending February 1, 1999, when the following conditions are met. Each ship must:

(1) never exceed the mileage limitations on the Certificate of Inspection issued by the U. S. Coast Guard;

(2) be equipped with a radiotelephone installation that complies with §§ 80.911, 80.913, 80.919, 80.921, 80.923, 80.925 and 80.931 of the Commission's Rules, 47 C.F.R. §§ 80.911, 80.913, 80.919, 80.921, 80.923, 80.925 and 80.931;

(3) be equipped with a main power supply consisting of a battery or batteries with at least 53 amp-hours capacity;

(4) contact the HIOBS home base prior to departure and once every 12 hours thereafter (when operating in convoy one vessel may check in for the group);

(5) maintain a continuous watch on channel 16, 156.8 MHz, at all times while being navigated or operating in the open sea or on any tidewater contiguous to the open sea;

(6) have a current Communications Act Safety Radiotelephony Certificate issued by the Commission;

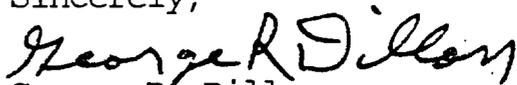
(7) have a radio operator licensed in accordance with 80.159(d) of the Commission's Rules, 47 C.F.R. § 80.159(d); and,

(8) comply with the Commission's Rules regarding the carriage of Category 1, 406 MHz EPIRBs for small passenger vessels.

These exemptions may be terminated at any time without a hearing, if in the Commission's discretion, the need for such action arises.

A copy of these exemptions must be kept with the vessel's station records.

Sincerely,



George R. Dillon
Chief, Aviation & Marine Branch

FCOM-ALL - 6 F.C.C.R. 7057

----- Excerpt from page (Publication page references are not available for this document. follows -----
6 FCC Rcd. 7057, 1991 WL 693288 (F.C.C.)

Federal Communications Commission (F.C.C.)

Public Notice

FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC
DA 91-1355

Released: November 13, 1991

The Managing Director is responsible for responding to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. All responses to individuals are published in the FCC Record.

These decisions are available for public inspection. Each month, the Managing Director releases a Public Notice listing the decisions he has made on these matters. The decisions are placed in General Docket 86-285. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director decisions are released for information:

- Brown University (Uri Bar Zemer)--Request for refund of filing fee--
Granted (June 13, 1991).
- KMDX-FM 99, Inc.--Request for hearing fee refund for a FM station at Parker,
Arizona--Granted (October 1, 1991).
- Furniture City Broadcasters, Inc.--Request for hearing fee refund for a new FM station at
Lenoir, North Carolina--Denied (October 3, 1991).
- CDD Broadcasting--Request for hearing fee refund for a new FM station at Ocean City,
Maryland--Granted (October 3, 1991).
- Seeway Broadcasters--Request for Reinstatement for a modification to its license covering a
low power TV station at Fremont, Ohio--Granted (October 8, 1991).
- James C. Sliger--Request for hearing fee refund for a new FM station at Westwood,
Kentucky--Granted (October 8, 1991).
- Healdsburg Broadcasting, Inc.--Request for Reinstatement for a new FM station at
Healdsburg, California--Granted (October 8, 1991).
- Life Broadcasting, Inc.--Request for refund of hearing fee for station KTNT-FM, Edmond,
Oklahoma--Granted (October 11, 1991).
- Porter H. Davis--Request for refund of hearing fee for station KTNT-FM, Edmond
Oklahoma--Granted (October 11, 1991).
- Keith L. Miller, Jr.--Request for refund of hearing fee for a new FM radio station at
Newport, Oregon--Granted (October 17, 1991).
- Robert D. & Jenifer L. Weerts--Request for refund of hearing fee for a new
FM station at Blue Earth, Minnesota--Granted (October 17, 1991).
- Kramer Broadcasting, Inc.--Request for refund of filing fee for station WDDC (FM), Portage,
Wisconsin--Granted (October 17, 1991).
- Innovative Advertising Consultants, Inc.--Request for refund of rule making fee paid to
modify the construction permit of Station WGUY (FM), Dexter, Maine--Granted (October 18, 1991).
- PBR Communications Systems, Inc.--Request for refund or reduction of fee for station WPBR,
Palm Beach Florida--Partial Refund Granted (October 18, 1991).
- Profile Broadcasting Company, Inc.--Request for refund of hearing fee for a new FM Station
at Lisbon, New Hampshire--Granted (October 18, 1991).
- Mono County Service Area No. 1--Request for refund of filing fee with five low power
television and television translator stations and renewal of three television translator
licenses--Granted (October 18, 1991).
- NEC Technologies, Inc.--Request for refund of filing fee--Granted (October 18, 1991).
- Lake Geneva Broadcasting, Inc.--Request for refund of hearing fee for a new FM radion
station at Lake Geneva, Wisconsin--Granted (October 18, 1991).
- B.F. Dillingham--Request for hearing fee refund for a new FM station at Hilo,
Hawa' -Granted (October 21, 1991).
- lle S. Bill--Request for refund of filing fee for a new FM radio
: at Blue Earth, Minnesota--Granted (October 21, 1991).

Gregory C. & Carol W. Siefker--Request for refund of hearing fee for a new FM radio station at Ashley, Michigan--Granted (October 21, 1991).

Morgan County Industries--Request for refund of hearing fee for a new FM station at West Liberty, Kentucky--Denied (October 21, 1991).

John Norman & Donald Lesko--Request for "Petition to Defer Fee" for a new FM station at Chiefland, Florida--Dismissed at Moot (October 21, 1991).

Garrison City Broadcasting, Inc.--Request for refund of hearing fee for a new FM Station at Somersworth, New Hampshire--Denied (October 21, 1991).

Julie S. Carey--Request for refund of hearing fee for a new FM station at Nashville, Indiana--Denied (October 21, 1991).

Melinda Boucher Read--Request for refund of filing fee for a new FM station at Spokane, Washington--Granted (October 21, 1991).

White Construction Co.--Request for refund of a hearing fee for a new FM station at Chiefland, Florida--Granted (October 22, 1991).

ET Communications, Inc.--Request for refund of a hearing fee for a new FM station at Opelika, Alabama--Granted (October 28, 1991).

B & H Broadcasting Company--Request for refund of filing fee for a new FM station at Gosnell, Arkansas--Denied (October 28, 1991).

Caddo Broadcasting Company--Request for refund of a hearing fee for a new FM broadcast station at Hot Springs Village, Arkansas Granted (October 28, 1991).

Andrew Bongirno--Request for a refund of filing fee for a renewal of a Second Class Radio Telephone Operator License--Denied (October 28, 1991).

Katieco, Inc.--Request for refund of hearing fee for a new FM station at Ellettsville, Indiana--Denied (October 28, 1991).

Hurricane Island Outward Bound School--Request for adjustment of fee re radiotelephone requirements--Denied (October 28, 1991).

NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE PREPARER, CLAUDETTE E. PRIDE, CHIEF, FEE SECTION ON (202) 632-0241.

FEDERAL COMMUNICATIONS COMMISSION

October 18, 1991

OFFICE OF MANAGING DIRECTOR

Walter Steimel, Jr., Esquire
Bell, Boyd & Lloyd
1615 L Street, N.W.
Suite 1200
Washington, D.C. 20036-5601

Dear Mr. Steimel:

This is in reference to your request, filed on behalf of NEC Technologies, Inc. (NEC), for a refund of a fee that had been inadvertently submitted with its application for Part 15 authority which the Commission had previously granted. Due to this oversight, NEC's application will be withdrawn and its fee will be refunded.

A check, drawn in the amount of \$735.00 and payable to NEC Technologies, Inc., will be forwarded to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 632-0241.

Sincerely,

Marilyn J. McDermott
Associate Managing Director for Operations
October 22, 1991

OFFICE OF MANAGING DIRECTOR

Captain Edward A. Dietrich

1991

Waterfront Director
Hurricane Island Outward Bound School
P.O. Box 429
Rockland, Maine 04841

Dear Mr. Dietrich:

This is in response to your request for an adjustment of the fees required to cover Hurricane Island Outward Bound School's (Hurricane Island) applications for exemption from strict compliance with the Commission's radiotelephone requirements.

You state that Hurricane Island is a small nonprofit organization that conducts courses designed to enable participants to develop their personal resources. Hurricane Island employs 22 seagoing vessels in its program, each required to be equipped with radiotelephone facilities. In the past, Hurricane Island has obtained waivers from full compliance with the Commission's applicable radiotelephone requirements at no cost. However, under the Commission's rules implementing its fee program, a separate fee is now required for each individual exemption request. In your view, a separate fee payment for each vessel constitutes an onerous burden on Hurricane Island and will negatively affect its ability to serve the nation's youth. You request that the Commission impose only a single fee to cover the school's 22 waiver request since the vessels are identical.

We have withheld action on your request to await the Commission's consideration of whether to broaden the category of entities exempt from the fee requirement. See Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Reconciliation Act of 1989 (Fees II), 5 FCCRcd 3558 (1990), Reconsidered in Part, FCC 91-298, released October 10, 1991. In its decision, the Commission specifically reaffirmed that, consistent with Congressional intent to grant waivers of the fee requirement narrowly, even not-for-profit youth organizations, such as Hurricane Island, requiring waivers of the rules pertaining to required radio equipment are subject to the fee requirement. Id. PP55-56. Moreover, as directed by Congress, the Commission declined to permit a blanket fee to substitute for the individual fees due from fleet operators. Id. PP49-50. As a consequence, Hurricane Island is ineligible for a fee reduction.

Accordingly, your request is denied.

Sincerely,

Marilyn T. McDermott

Associate Managing Director for Operations
June

Copr. (C) West 1999 No Claim to Orig. U.S. Govt. Works

AMDSJ-PRS

FCC 91-298 -> 6/5919



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

April 12, 1999

IN REPLY REFER TO
MAR 18-/2719;7220C

Mr. Edward A. Dietrich
Director of Fleet and Facility
Hurricane Island Outward Bound School
Rockland, Maine 04841

Dear Mr. Dietrich:

This is in response to your request for exemptions from the Commission's Rules implementing the Global Maritime Distress and Safety System (GMDSS), 47 C.F.R. Part 80, Subpart W, for the following U.S. passenger vessels listed below:

H.I.O.B.S. #1	WUZ 4169	H.I.O.B.S. #11	WUZ 4179
H.I.O.B.S. #2	WUZ 4170	H.I.O.B.S. #12	WUZ 4180
H.I.O.B.S. #3	WUZ 4171	H.I.O.B.S. #13	WUZ 4181
H.I.O.B.S. #4	WUZ 4172	H.I.O.B.S. #14	WUZ 4182
H.I.O.B.S. #5	WUZ 4173	H.I.O.B.S. #15	WUZ 4183
H.I.O.B.S. #6	WUZ 4174	H.I.O.B.S. #16	WUZ 4184
H.I.O.B.S. #7	WUZ 4175	H.I.O.B.S. #17	WUZ 4141
H.I.O.B.S. #8	WUZ 4176	H.I.O.B.S. #18	WUZ 3914
H.I.O.B.S. #9	WUZ 4177	H.I.O.B.S. #22	WAA 6443
H.I.O.B.S. #10	WUZ 4178	FIRST MATE	WAA 6446
SALLY M	WAA 6444	LLAMA	WUZ 6445

Section 383 of the Communications Act, 47 U.S.C. § 383, authorizes exemptions to be granted to ships when the routes or conditions of the voyages or other circumstances are such as to render a radio installation unreasonable or unnecessary for purposes of Part III of Title III of the Communications Act. Section 383 does not prescribe a specific period for such exemptions. Section 384 of the Communications Act, 47 U.S.C. § 384, authorizes the Commission to specify communications capability and range, and, the addition of equipment to supplement the radiotelephone installation required by Part III of Title III of the Communications Act.

In your application you state that the above listed ships are all navigated on the same routes, namely: COASTWISE: Atlantic Ocean and Gulf of Mexico between Little River, South Carolina and St. Mary's River, Florida, not more than 3 miles from shore; between Key Largo, Florida and Cape Romano, Florida not more than 6 miles from shore; on voyages in Lakes, Bays and Sounds between Eastport, Maine and Cape Elizabeth, Maine not more than 6 miles from shore, and in Boston Harbor and the Chesapeake Bay. Additionally, you state that each vessel is equipped with a portable marine VHF transceiver rated at 25 watts output power. The VHF transceiver is powered by a main power supply consisting of a 70 amp-

hour battery which cannot be charged while the vessels are underway.

Further, your previous applications have been granted based on each of the vessels being equipped with a high-visibility radar reflector and a Class C emergency position indicating radio beacon (EPIRB). You also stated that the vessels commonly sail in close convoy.

In consideration of the limited nature of the ship operations, the communications equipment carried on-board, and the conditions of the voyages, it appears unnecessary to require that the vessels listed above should be required to comply fully with the radiotelephone requirements contained in Part III of Title III of the Communications Act and Part 80 of the Commission's Rules while being navigated on the domestic voyages described above. Accordingly, IT IS ORDERED, THAT the U.S. passenger vessels listed above ARE EXEMPT from the full application of the radiotelephone requirements of Part III of Title III of the Communications Act and Part 80 of the Commission's Rules when navigated on domestic voyages in the Atlantic Ocean and Gulf of Mexico between Little River, South Carolina and St. Mary's River, Florida, not more than 3 miles from shore; between Key Largo, Florida and Cape Romano, Florida not more than 6 miles from shore; on voyages in Lakes, Bays and Sounds between Eastport, Maine and Cape Elizabeth, Maine not more than 6 miles from shore, and in Boston Harbor and the Chesapeake Bay never more than 3 miles from the nearest land.

Reissuance and consolidation of these exemptions is granted based on representations made on your request for reissuance dated January 26, 1999, and are valid only when the operation or circumstances affecting the safety of the named vessels, which make full compliance with the radiotelephone provisions of the Communications Act unnecessary, remains unchanged. Additionally, you may be billed in the future for additional fees after review by the Managing Director's office.

This exemption is effective February 1, 1999, and expires April 1, 2004. Each of the vessels listed herein must:

- (1) Never exceed the mileage limitations on the certificate of inspection issued by the U. S. Coast Guard;
- (2) Be equipped with a radiotelephone installation that complies with §§ 80.911, 80.913, 80.919, 80.921, 80.923, 80.925 and 80.931 of the Commission's Rules, 47 C.F.R. §§ 80.911, 80.913, 80.919, 80.921, 80.923, 80.925 and 80.931;
- (3) Be equipped with a main power supply consisting of a battery or batteries with at least 70 amp-hours capacity;
- (4) Contact the HIOBS home base prior to departure and once every 12 hours thereafter (when operating in convoy, one vessel may check in for the group);
- (5) Maintain a continuous watch on channel 16, 156.8 MHz, at all times while being navigated or operating in the open sea or on any tidewater contiguous to the open sea;

(6) Have a current Communications Act Passenger Ship Safety Certificate;

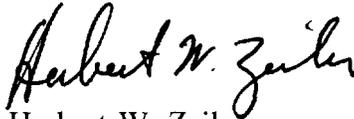
(7) Have a radio operator licensed in accordance with Section 80.159(d) of the Commission's Rules, 47 C.F.R. § 80.159(d); and,

(8) Comply with the Commission's Rules regarding the carriage of category 1, 406 MHz EPIRBs for small passenger vessels.

In addition, the vessel must operate in accordance with the vessel's current U.S. Coast Guard Certificate of Inspection.

A COPY OF THIS EXEMPTION MUST BE KEPT WITH THE VESSEL'S STATION RECORDS.

Sincerely,



Herbert W. Zeiler
Deputy Chief
Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 13 2001

OFFICE OF
MANAGING DIRECTOR

Mr. Dan J. Alpert
Counsel for JDF Investments
2120 N. 21st Road
Suite 400
Arlington, Virginia 22201

RE: Request for Waiver of
FY 2001 Regulatory Fee
Fee Control No. 00000RROG-01-029

Dear Mr. Alpert:

This is in response to the request for waiver of the Fiscal Year (FY) 2001 regulatory fee, filed on behalf of JDF Investments LLC, with respect to Station KYAV-LP, Palm Springs, California. You state that the station is currently not operating and that waiver of the fee is appropriate. To support your position, you attach to your request a letter from the Commission, dated June 27, 2001, granting authority for KYAV-LP to remain silent from June 15, 2001 to September 15, 2001. The Commission's records further show that KYAV-LP has been granted authority to remain silent until December 15, 2001.

In *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 ¶ 15 (1995), the Commission determined that the imposition of a regulatory fee could be an impediment to the restoration of service by a dark station and that it would, therefore, waive the fee requirement for stations which have ceased operations. Thus, because KYAV-LP was not operating when payment of the regulatory fee for FY 2001 was due, your request for waiver of the FY 2001 regulatory fees will be granted.

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

RECEIVED

SEP 21 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Law Office of
Dan J. Alpert

2120 N. 21st Rd.
Suite 400
Arlington, VA 22201

(703) 243-8690

(703) 243-8692 (FAX)

September 21, 2001

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W..
Washington, DC 20554

Re: **Station KYAV-LP**
Palm Springs, CA
Facility No. 2961

WF9

Dear Mr. Fishel:

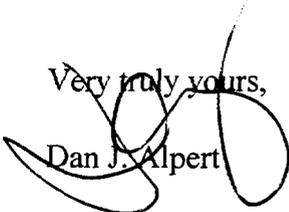
JDF Investments LLC, by its attorney, hereby requests a waiver of its 2001 Annual Regulatory Fee. In support thereof, the following is stated.

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 which are dark (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.

JDF Investments LLC is licensee of Station KYAV-LP, Palm Springs, California. The station currently is dark. Attachment 1. Accordingly, a waiver of the 2001 Annual Regulatory Fee is appropriate.

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

Very truly yours,


Dan J. Alpert

Counsel for JDF Investments LLC

00000 KR06-01-029

ATTACHMENT 1



FEDERAL COMMUNICATIONS COMMISSION
445 12TH Street, S.W.
Washington DC 20554

JUN 27 2001

IN REPLY REFER TO: 1800E2
M.H.

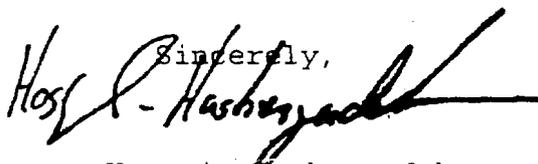
Asiavision, Inc.
7501 Greenway Center Dr., Suite 740
Greenbelt, MD 20770

In re: LPTV or TV Translator Station of:
Asiavision, Inc.
KYAV-LP, Palm Springs, CA
BRSTA-20010618ABG
Fac. ID #: 2961

Gentlemen:

This refers to your above-captioned Low Power Television or Television Translator Station and your request for Special Temporary Authority to remain silent.

Your request IS HEREBY GRANTED and silent authority is authorized from June 15, 2001 to September 15, 2001. Any further request must be accompanied by a progress report as to your efforts to resume operations.

Sincerely,


Hossein Hashemzadeh
Supervisory Engineer, LPTV Branch
Video Services Division
Mass Media Bureau

cc: Dan J. Alpert, Esquire
1) June 15, 2001

The Law Office of

Dan J. Alpert

2120 N. 21st Rd.
Suite 400
Arlington, VA 22201

(703) 243-8690

(703) 243-8692 (fax)

September 13, 2001

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

**Re: Station KYAV-LP
Palm Springs, CA.
Facility No. 2961**

Dear Ms. Salas:

JDF Investments LLC ("JDF"), by its attorney, hereby requests consent for Station KYAV-LP to remain silent. Station KYAV-LP, Palm Springs, California temporarily went dark on May 18, 2001. JDF assumed ownership of the Station on September 4, 2001, and a new transmitter location for the station was approved on August 16, 2001: File No. BPTVL-20010627ABX. Consequently, although JDF intends to resume operation of KYAV-LP shortly, it is necessary for Station KYAV-LP remain dark at the present time.

If there are any questions, please contact this office.

Very truly yours,

Dan J. Alpert

Counsel for JDF Investments LLC

COPY

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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OFFICE OF
MANAGING DIRECTOR

Mr. Dan J. Alpert
Counsel for KBNZ, Inc.
2120 North 21st Road
Suite 400
Arlington, Virginia 22201

RE: Request for Waiver of
FY 2001 Regulatory Fees
Fee Control No. 00000RROG-01-057

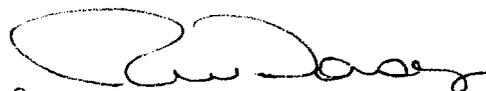
Dear Mr. Alpert:

This is in response to the request for waiver of the Fiscal Year (FY) 2001 regulatory fees, in the amount of \$2,300.00, filed on behalf of KBNZ, Inc., licensee of Station KBNZ(AM), Honolulu, Hawaii.

You state that the station was not operating when the regulatory fee was due and that waiver of the fee is appropriate. The Commission's records confirm that Station KBNZ(AM) has gone dark and that it is not currently operating. In *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 ¶ 15 (1995), the Commission determined that the imposition of a regulatory fee could be an impediment to the restoration of service by a dark station and that it would, therefore, waive the fee requirement for stations which have ceased operations. Thus, because KBNZ(AM) was dark when payment of the regulatory fee for FY 2001 was due, your request for waiver of the FY 2001 regulatory fees will be granted.

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

Sincerely,



fs Mark A. Reger
Chief Financial Officer

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The Law Office of

Dan J. Alpert

2120 N. 21st Rd.
Suite 400
Arlington, VA 22201

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

(703) 243-8690

(703) 243-8692 (FAX)

September 21, 2001

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W..
Washington, DC 20554

**Re: Stations KBNZ
Facility No. 13985
Honolulu, HI**

Dear Mr. Fishel:

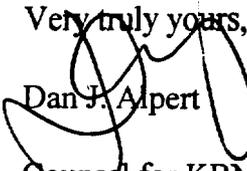
KBNZ, Inc., by its attorney, hereby requests a waiver of its 2001 Annual Regulatory Fee. In support thereof, the following is stated.

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 which are dark (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.

KBNZ, Inc. is licensee of Station KBNZ(AM), Honolulu, Hawaii. The station currently is dark. Attachment 1. Accordingly, a waiver of the 2001 Annual Regulatory Fee is appropriate.

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

Very truly yours,


Dan J. Alpert

Counsel for KBNZ, Inc.

ATTACHMENT 1

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

IN REPLY REFER TO:
1800B3-ALM

September 19, 2001

Dan J. Alpert, Esquire
2120 North 21st Road
Arlington, Virginia 22201

In Re: KZEZ(AM), Honolulu, HI
Facility ID No. 13985
Silent Since August 15, 2001
Request For Special Temporary
Authority To Remain Silent

Dear Mr. Alpert:

This letter concerns your request filed on behalf of KBNZ, Inc. on September 5, 2001, and supplemented on September 13, 2001, for Special Temporary Authority to permit AM radio station KZEZ to remain silent.

Commission records indicate that KZEZ(AM) was recently authorized Special Temporary Authority to operate from the tower occupied by KLHT(AM). You state that KZEZ(AM) ceased operations after it was determined that interference was being caused to KLHT(AM). You also state that KLHT(AM) intends to change transmitter location within 60 days which will eliminate the interference problem. Alternatively, it is believed that the interference problem can be resolved through the installation of additional filters. If the KLHT relocation is delayed, those filters will be ordered. Finally, KBNZ, Inc. is preparing an application to specify the current KLHT(AM) tower as its permanent station location. Your request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.¹

Your request will be granted. Accordingly, special temporary authority is granted to permit AM Station KZEZ to remain silent not to exceed 180 days from the date of this letter. **Notwithstanding the grant of this special temporary authority, the broadcast license for KZEZ(AM) will automatically expire as a matter of law if broadcast**

¹In the event extension of special temporary authority is sought, please renew the certification in this matter.

operations do not commence by August 16, 2002.² See Pub. L. No. 104-104, 110 Stat. 56, § 403(1) (1996).

Lastly, the station's silent status does not suspend the licensee's obligation to comply with all other relevant Commission rules, including the filing, when appropriate, of applications for renewal of broadcast license.

Sincerely,



H. Taft Snowdon
Supervisory Attorney
Audio Services Division
Mass Media Bureau

²Notification of resumption of broadcast operations must be mailed to:

Federal Communications Commission
Attn: 1800B3-ALM, Room 2-B450
445 12th Street, S.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

July 24, 2001

Mr. Clay Huntington
KLAY Talk Radio
10025 Lakewood Dr., S.W.
Suite B
Tacoma, Washington 98499

Re: Station KLAY(AM), KLAY Talk Radio
Fiscal Year 1999 Regulatory Fee
Fee Control No. 990920883467002

Dear Mr. Huntington:

This is in response to your request dated September 22, 1999, filed on behalf of KLAY Talk Radio (KLAY) for a waiver and reduction of the fiscal year 1999 regulatory fee associated with Station KLAY(AM). Although you suggest in your letter that KLAY paid the fiscal year 1999 regulatory fee associated with a Class B AM station serving a population of more than 1,000,000 (i.e., \$3,600.00), our records reflect that KLAY paid the fiscal year 1999 regulatory fee associated with a Class B AM station serving a population of 400,001 to 1,000,000 (i.e., \$2,250.00).

You argue in the request that the fee established for Station KLAY(AM), a Class B AM station, should be reduced because the station pays a higher fee than does a neighboring station (i.e., Station KKMO(AM), a Class B station located in Tacoma, Washington), which is located closer to Seattle (a major population center) than is Station KLAY(AM). The fiscal year 1999 regulatory fee for Station KLAY(AM) is the fee established for a Class B AM station serving a population of 400,001 to 1,000,000. *See Assessment and Collection of Regulatory Fees for Fiscal Year 1999, Report and Order*, MD Docket No. 98-299, FCC 99-146, Attachments D and F (adopted: June 11, 1999; released June 18, 1999); 47 C.F.R. §1.1153(2.) We requested a population recalculation for Station KLAY(AM), which determined that the correct population figure for the station is 609,178. The fee established for Station KLAY(AM) is therefore correct.

Mr. Clay Huntington

2

Accordingly, we find no basis to support your request for a waiver and reduction of the 1999 fiscal year regulatory fees associated with Station KLAY(AM). We therefore deny your request. We appreciate your bringing to our attention the possibility that the fee for KKMO(AM) may have been calculated incorrectly. If you have any questions concerning this matter, please contact the Revenue & Receivables Operation 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 "R".

 Mark A. Reger
Chief Financial Officer