

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 31 2002

OFFICE OF  
MANAGING DIRECTOR

Georgina L. O. Feigen, Esq.  
Zachary A. Zehner, Esq.  
Wilkinson, Barker, Knauer, L.L.P.  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

Re: Dobson Communications Corporation  
Amended Fiscal Year 2000 Regulatory Fee Filings  
Fee Control No. 0103128835049001

Dear Ms. Feigen and Mr. Zehner:

This is in response to your request dated December 6, 2001, filed on behalf of Dobson Communications Corporation (Dobson) that the Office of Managing Director (OMD) reconsider its decision denying Dobson's request for a refund or waiver of the \$37,800.00 late charge penalty submitted with Dobson's amended fiscal year 2000 regulatory fee filing submitted on March 8, 2001. See Letter from Mark Reger, Chief Financial Officer, Office of Managing Director, to Georgina L. O. Feigen, Esq. and Zachary A. Zehner, Esq., Wilkinson, Barker, Knauer, L.L.P. (dated Nov. 6, 2001) (*Dobson Letter*). Specifically, you request that OMD either waive the late charge penalty or grant a \$1,186.00 partial refund of the late charge penalty.

As discussed in the *Dobson Letter*, on September 20, 2000 (the date on which the fiscal year 2000 regulatory fees were due), Dobson filed fiscal year 2000 regulatory fees in the amount of \$4,745.16 on behalf of its affiliated licensees providing commercial wireless services. In the course of a subsequent internal audit, Dobson discovered that it had inadvertently failed (among other things) to list all the call signs related to its affiliated licensees on the fiscal year 2000 regulatory fee filings and, as a result, that it had underpaid the regulatory fees for that year. On March 8, 2001, Dobson filed amendments to the fiscal year 2000 regulatory fee filings and submitted a regulatory fee payment of \$151,200.00 for all of its interests (which represented the fiscal year 2000 regulatory fee that was originally due on September 20, 2000), along with a late charge penalty fee of \$37,800.00. On March 9, 2001, Dobson filed a request for a partial refund of the fiscal year 2000 regulatory fee, as well as a request for a waiver and refund of the late charge penalty.

In the *Dobson Letter*, OMD granted Dobson's request that the Commission refund \$4,745.16 of the fiscal year 2000 regulatory fee payment as an overpayment of the regulatory fee originally due on September 20, 2000. OMD denied Dobson's request that the Commission grant Dobson a waiver and refund of the \$37,800.00 late charge penalty submitted on March 8, 2001 with Dobson's amended fiscal year 2000 regulatory fee

filing. In denying the waiver and refund request, OMD rejected Dobson's assertions that a waiver of the late payment fee was appropriate because Dobson's original submission on September 20, 2000 was timely (albeit incorrect) and because Dobson corrected the original payment error and had acted in good faith in its efforts to pay the regulatory fees in a timely manner. OMD explained that the Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. OMD explained that it is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. OMD found that Dobson's request did not indicate or substantiate that Dobson met this obligation. OMD therefore denied Dobson's request for waiver and refund of the late charge penalty for late payment of the fiscal year 2000 regulatory fees.

In your petition for reconsideration, you raise the same arguments in support of Dobson's request for waiver of the late charge penalty for late payment of the fiscal year 2000 regulatory fees that you raised in your March 9, 2001 waiver request. We find that OMD's decision in the *Dobson Letter* denying Dobson's waiver request was correct and that you have provided no additional justification for a reversal of that decision. We therefore deny your request for a waiver of the late charge penalty.

In your petition for reconsideration, you request for the first time<sup>1</sup> (as an alternative to a grant of your waiver request) that OMD refund \$1,186.00 of the \$37,800.00 late charge penalty submitted by Dobson on March 8, 2001. You state that although Dobson filed the full \$151,200.00 fiscal year 2000 payment on March 8, 2001 (and paid a 25 percent late charge penalty on that amount), Dobson had already paid \$4,745.16 towards the required \$151,200.00 fiscal year 2000 regulatory fee payment in a timely manner on September 20, 2000.<sup>2</sup> You assert that the 25 percent late charge penalty should therefore apply only to the \$146,455.00 fiscal year 2000 regulatory fee amount that was untimely (i.e., \$151,200.00 minus \$4,745.16 equals \$146,455.00) and not to the full \$151,200.00 payment.

We find it appropriate to apply the 25 percent late charge penalty only to the portion of the fiscal year 2000 regulatory fee that Dobson did not pay in a timely manner (i.e., \$146,455.00) and not to the portion that Dobson did pay in a timely manner (i.e., \$4,745.16). See 47 U.S.C. §159(c) (penalties for late payment of regulatory fees "shall be 25 percent of the amount of the fee which was not paid in a timely manner"); 47 C.F.R. §1.1164. Dobson is therefore subject to a \$36,614.00 charge for late payment of

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<sup>1</sup> In your March 9, 2001 request, you requested that the Commission refund the entire \$37,800.00 late charge penalty which, as discussed above, OMD denied.

<sup>2</sup> You explain that Dobson paid the \$151,200.00 fiscal year 2000 regulatory fee on March 8, 2001 (as well as a 25 percent late charge penalty on that payment), even though it had already paid \$4,745.16 towards the required regulatory fee on September 20, 2000, out of an abundance of caution.

its fiscal year 2000 regulatory fee. Because Dobson filed a \$37,800.00 late charge penalty on March 8, 2001, we grant Dobson's request for a \$1,186.00 partial refund of that amount.

Accordingly, we deny your request for a waiver of the late charge penalty, but we grant your request for a partial refund of the late charge penalty submitted in connection with Dobson's timely submitted portion of its fiscal year 2000 regulatory fee. A check made payable to the maker of the original check, and drawn in the amount of \$1,186.00, will be sent to you at the earliest practicable time. 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', written in a cursive style.A small, stylized handwritten mark or initial, possibly 'MR', located to the left of the typed name.

Mark A. Reger  
Chief Financial Officer

# Payment Transactions Detail Report

Date: 01/22/2002

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
0103128835049001	DOBSON COMMUNICATIONS CORPORAT 13439 N BROADWAY EXT SUITE 200 OKLAHOMA CITY OK 73114	WP00035403	0731513309	3/08/2001 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$189,000.00	\$189,000.00	40	0099	1		TEXAS RSA NO 2 LIMITED PARTNER	731142202		\$37,800.00	1	PMT
\$189,000.00	\$189,000.00	38	0011	27790	KNKA318	SYGNET COMMUNICATIONS INC	731142202		\$8,337.00	1	PMT
\$189,000.00	\$189,000.00	1	0011	21309	KNKA529	SANTA CRUZ CELLULAR TELEPHONE	731142202		\$6,392.00	1	PMT
\$189,000.00	\$189,000.00	37	0011	27791	KNKA555	SYGNET COMMUNICATIONS INC	731142202		\$8,337.00	1	PMT
\$189,000.00	\$189,000.00	7	0011	10000	KNKA570	DOBSON CELLULAR SYSTEMS INC	731142202		\$3,000.00	1	PMT
\$189,000.00	\$189,000.00	30	0011	36712	KNKA743	SYGNET COMMUNICATIONS INC	731142202		\$11,013.00	1	PMT
\$189,000.00	\$189,000.00	10	0011	10000	KNKA779	DOBSON CELLULAR SYSTEMS INC	731142202		\$3,000.00	1	PMT
\$189,000.00	\$189,000.00	9	0011	4389	KNKA818	DOBSON CELLULAR SYSTEMS INC	731142202		\$1,316.00	1	PMT
\$189,000.00	\$189,000.00	6	0011	3203	KNKN205	DOBSON CELLULAR SYSTEMS INC	731142202		\$960.00	1	PMT
\$189,000.00	\$189,000.00	4	0011	1676	KNKN268	DOBSON CELLULAR SYSTEMS INC	731142202		\$602.00	1	PMT
\$189,000.00	\$189,000.00	6	0011	24224	KNKN295	DOBSON CELLULAR SYSTEMS INC	731142202		\$7,267.00	1	PMT
\$189,000.00	\$189,000.00	18	0011	2290	KNKN376	DOBSON CELLULAR SYSTEMS INC	731142202		\$687.00	1	PMT
\$189,000.00	\$189,000.00	2	0011	10989	KNKN407	DOBSON CELLULAR SYSTEMS INC	731142202		\$3,296.00	1	PMT
\$189,000.00	\$189,000.00	24	0011	12128	KNKN457	DOBSON CELLULAR SYSTEMS INC	731142202		\$3,638.00	1	PMT
\$189,000.00	\$189,000.00	27	0011	14204	KNKN498	GILA RIVER CELLULAR GENERAL PA	731142202		\$4,261.00	1	PMT
\$189,000.00	\$189,000.00	14	0011	17422	KNKN545	DOBSON CELLULAR SYSTEMS INC	731142202		\$5,226.00	1	PMT
\$189,000.00	\$189,000.00	17	0011	2291	KNKN553	DOBSON CELLULAR SYSTEMS INC	731142202		\$687.00	1	PMT
\$189,000.00	\$189,000.00	36	0011	10000	KNKN562	SYGNET COMMUNICATIONS INC	731142202		\$3,000.00	1	PMT
\$189,000.00	\$189,000.00	29	0011	9984	KNKN578	OKLAHOMA RSA 7 LIMITED PARTNER	731142202		\$2,995.00	1	PMT
\$189,000.00	\$189,000.00	28	0011	9983	KNKN607	OKLAHOMA RSA 5 LIMITED PARTNER	731142202		\$2,994.00	1	PMT
\$189,000.00	\$189,000.00	35	0011	27500	KNKN625	SYGNET COMMUNICATIONS INC	731142202		\$8,250.00	1	PMT
\$189,000.00	\$189,000.00	22	0011	4390	KNKN629	DOBSON CELLULAR SYSTEMS INC	731142202		\$1,317.00	1	PMT
\$189,000.00	\$189,000.00	11	0011	2291	KNKN637	DOBSON CELLULAR SYSTEMS INC	731142202		\$687.00	1	PMT
\$189,000.00	\$189,000.00	39	0011	14434	KNKN646	TEXAS RSA NO 2 LIMITED PARTNER	731142202		\$4,330.00	1	PMT
\$189,000.00	\$189,000.00	15	0011	26604	KNKN656	DOBSON CELLULAR SYSTEMS INC	731142202		\$7,981.00	1	PMT

# Payment Transactions Detail Report

Date: 01/22/2002

BY: FEE CONTROL NUMBER

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0103128835049001	DOBSON COMMUNICATIONS CORPORAT 13439 N BROADWAY EXT SUITE 200 OKLAHOMA CITY OK 73114	WP00035403	0731513309	3/08/2001 00:00:0							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$189,000.00	\$189,000.00	26	0011	9054	KNKN657	DOBSON CELLULAR SYSTEMS INC	731142202		\$2,716.00	1	PMT
\$189,000.00	\$189,000.00	32	0011	27790	KNKN660	SYGNET COMMUNICATIONS INC	731142202		\$8,337.00	1	PMT
\$189,000.00	\$189,000.00	16	0011	8272	KNKN711	DOBSON CELLULAR SYSTEMS INC	731142202		\$2,481.00	1	PMT
\$189,000.00	\$189,000.00	23	0011	5228	KNKN779	DOBSON CELLULAR SYSTEMS INC	731142202		\$1,568.00	1	PMT
\$189,000.00	\$189,000.00	19	0011	2290	KNKN829	DOBSON CELLULAR SYSTEMS INC	731142202		\$687.00	1	PMT
\$189,000.00	\$189,000.00	31	0011	35480	KNKN865	SYGNET COMMUNICATIONS INC	731142202		\$10,644.00	1	PMT
\$189,000.00	\$189,000.00	33	0011	27500	KNKN937	SYGNET COMMUNICATIONS INC	731142202		\$8,250.00	1	PMT
\$189,000.00	\$189,000.00	12	0011	577	KNKN938	DOBSON CELLULAR SYSTEMS INC	731142202		\$173.00	1	PMT
\$189,000.00	\$189,000.00	3	0011	4883	KNKQ316	DOBSON CELLULAR SYSTEMS INC	731142202		\$1,484.00	1	PMT
\$189,000.00	\$189,000.00	20	0011	2290	KNKQ434	DOBSON CELLULAR SYSTEMS INC	731142202		\$687.00	1	PMT
\$189,000.00	\$189,000.00	13	0011	17422	KNKQ436	DOBSON CELLULAR SYSTEMS INC	731142202		\$5,226.00	1	PMT
\$189,000.00	\$189,000.00	34	0011	3236	KNKQ442	SYGNET COMMUNICATIONS INC	731142202		\$970.00	1	PMT
\$189,000.00	\$189,000.00	21	0011	14555	KNKQ446	DOBSON CELLULAR SYSTEMS INC	731142202		\$4,366.00	1	PMT
\$189,000.00	\$189,000.00	8	0011	10000	KNKR271	DOBSON CELLULAR SYSTEMS INC	731142202		\$3,000.00	1	PMT
\$189,000.00	\$189,000.00	25	0011	3860	KNKR336	DOBSON CELLULAR SYSTEMS INC	731142202		\$1,158.00	1	PMT
<b>Total</b>									<b>40</b>		
											<b>\$189,000.00</b>

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

DEC 14 2001

OFFICE OF  
MANAGING DIRECTOR

DUE DATE: 1/14/02

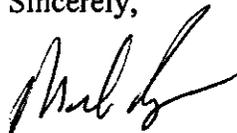
Putnam's  
CNTL# 2001-15

Zachary A. Zehner  
Wilkinson Barker Knauer, LLP  
2300 N Street, NW  
Suite 700  
Washington, DC 20037

Dear Sir:

This letter is acknowledging receipt of your letter dated December 6, 2001 which was received by the FCC on December 6, 2001. Within 30 days of this letter we will mail you either a resolution to your item or a letter telling you when you can expect a resolution. If you have any questions concerning this letter please call the Office of the Chief Financial Officer at (202) 418-1925.

Sincerely,



Mark A. Reger  
Chief Financial Officer

# COPY

WILKINSON ) BARKER ) KNAUER ) LLP

2300 N STREET, NW  
SUITE 700  
WASHINGTON, DC 20037  
TEL 202.783.4141  
FAX 202.783.5851  
www.wbklaw.com

December 6, 2001

BY HAND DELIVERY

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th Street, TW-A325  
Washington, DC 20554

Attention: Managing Director

Re: *Dobson Communications Corporation – Petition for Reconsideration  
Amended Fiscal Year 2000 Regulatory Fee Filing  
Fee Control No. 0103128835049001*

Dear Ms. Salas:

Please find enclosed on behalf of Dobson Communications Corporation, an original and four copies of its petition for reconsideration in the above-referenced matter.

Please contact the undersigned with any questions regarding this submission.

Sincerely,

WILKINSON BARKER KNAUER, LLP



By: Zachary A. Zehner\*

\* Practice limited to matters before federal courts and agencies.

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED  
DEC - 6 2001  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of: )  
)  
Dobson Communications Corporation ) Fee Control No.  
Amended Fiscal Year 2000 ) 0103128835049001  
Regulatory Fee Filings )  
)

To: Managing Director, Federal Communications Commission

PETITION FOR RECONSIDERATION

Dobson Communications Corporation ("Dobson"), by its attorneys, hereby submits this petition for reconsideration of the decision by the Office of Managing Director ("OMD") that denied in part Dobson's request for refund of its fiscal year ("FY") 2000 annual regulatory fee payment.

On September 20, 2000, Dobson timely filed its FY 2000 regulatory fees in the amount of \$4,745.16 on behalf of its subsidiaries providing commercial wireless services. As the result of an internal audit, Dobson discovered that inadvertent errors were made when completing the regulatory fee filings. In some instances, Dobson listed incorrect payment type codes, licensee names and/or Taxpayer Identification Numbers ("TIN's"), and did not list all call signs.

Accordingly, on March 8, 2001, Dobson submitted amended Forms 159 and 159-C to the Commission, which corrected the errors in the original submission. Furthermore, Dobson submitted a recalculated regulatory fee payment of \$151,200.00, and an amount of \$37,800.00, which would reflect a 25 percent penalty should the Commission decide to impose such an assessment. Although Dobson timely filed its original regulatory fee payment for FY 2000, Dobson exercised good faith by including the additional 25% monetary penalty calculated on the

Georgina L. O. Feigen, Esq.  
Zachary A. Zehner, Esq.  
Wilkinson, Barker, Knauer, L.L.P.  
2300 N Street, N.W.  
Washington, D.C. 20037-1128

Re: Dobson Communications Corporation  
Amended Fiscal Year 2000 Regulatory Fee Filings  
Fee Control No. 0103128835049001

Dear Ms. Feigen and Mr. Zehner:

This is in response to your request dated December 6, 2001, filed on behalf of Dobson Communications Corporation (Dobson) that the Office of Managing Director (OMD) reconsider its decision denying Dobson's request for a refund or waiver of the \$37,800.00 late charge penalty submitted with Dobson's amended fiscal year 2000 regulatory fee filing submitted on March 8, 2001. See Letter from Mark Reger, Chief Financial Officer, Office of Managing Director, to Georgina L. O. Feigen, Esq. and Zachary A. Zehner, Esq., Wilkinson, Barker, Knauer, L.L.P. (dated Nov. 6, 2001) (*Dobson Letter*). Specifically, you request that OMD either waive the late charge penalty or grant a \$1,186.00 partial refund of the late charge penalty.

As discussed in the *Dobson Letter*, on September 20, 2000 (the date on which the fiscal year 2000 regulatory fees were due), Dobson filed fiscal year 2000 regulatory fees in the amount of \$4,745.16 on behalf of its affiliated licensees providing commercial wireless services. In the course of a subsequent internal audit, Dobson discovered that it had inadvertently failed (among other things) to list all the call signs related to its affiliated licensees on the fiscal year 2000 regulatory fee filings and, as a result, that it had underpaid the regulatory fees for that year. On March 8, 2001, Dobson filed amendments to the fiscal year 2000 regulatory fee filings and submitted a regulatory fee payment of \$151,200.00 for all of its interests (which represented the fiscal year 2000 regulatory fee that was originally due on September 20, 2000), along with a late charge penalty fee of \$37,800.00. On March 9, 2001, Dobson filed a request for a partial refund of the fiscal year 2000 regulatory fee, as well as a request for a waiver and refund of the late charge penalty.

In the *Dobson Letter*, OMD granted Dobson's request that the Commission refund \$4,745.16 of the fiscal year 2000 regulatory fee payment as an overpayment of the regulatory fee originally due on September 20, 2000. OMD denied Dobson's request that the Commission grant Dobson a waiver and refund of the \$37,800.00 late charge penalty submitted on March 8, 2001 with Dobson's amended fiscal year 2000 regulatory fee filing. In denying the waiver and refund request, OMD rejected Dobson's assertions that a waiver of the late payment fee was appropriate because Dobson's original submission on September 20, 2000 was timely (albeit incorrect) and because Dobson corrected the original payment error and had acted in good faith in its efforts to pay the regulatory fees

in a timely manner. OMD explained that the Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. OMD explained that it is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. OMD found that Dobson's request did not indicate or substantiate that Dobson met this obligation. OMD therefore denied Dobson's request for waiver and refund of the late charge penalty for late payment of the fiscal year 2000 regulatory fees.

In your petition for reconsideration, you raise the same arguments in support of Dobson's request for waiver of the late charge penalty for late payment of the fiscal year 2000 regulatory fees that you raised in your March 9, 2001 waiver request. We find that OMD's decision in the *Dobson Letter* denying Dobson's waiver request was correct and that you have provided no additional justification for a reversal of that decision. We therefore deny your request for a waiver of the late charge penalty.

In your petition for reconsideration, you request for the first time<sup>1</sup> (as an alternative to a grant of your waiver request) that OMD refund \$1,186.00 of the \$37,800.00 late charge penalty submitted by Dobson on March 8, 2001. You state that although Dobson filed the full \$151,200.00 fiscal year 2000 payment on March 8, 2001 (and paid a 25 percent late charge penalty on that amount), Dobson had already paid \$4,745.16 towards the required \$151,200.00 fiscal year 2000 regulatory fee payment in a timely manner on September 20, 2000.<sup>2</sup> You assert that the 25 percent late charge penalty should therefore apply only to the \$146,455.00 fiscal year 2000 regulatory fee amount that was untimely (i.e., \$151,200.00 minus \$4,745.16 equals \$146,455.00) and not to the full \$151,200.00 payment.

We find it appropriate to apply the 25 percent late charge penalty only to the portion of the fiscal year 2000 regulatory fee that Dobson did not pay in a timely manner (i.e., \$146,455.00) and not to the portion that Dobson did pay in a timely manner (i.e., \$4,745.16). See 47 U.S.C. §159(c) (penalties for late payment of regulatory fees "shall be 25 percent of the amount of the fee which was not paid in a timely manner"); 47 C.F.R. §1.1164. Dobson is therefore subject to a \$36,614.00 charge for late payment of its fiscal year 2000 regulatory fee. Because Dobson filed a \$37,800.00 late charge penalty on March 8, 2001, we grant Dobson's request for a \$1,186.00 partial refund of that amount.

Accordingly, we deny your request for a waiver of the late charge penalty, but we grant your request for a partial refund of the late charge penalty submitted in connection with

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<sup>1</sup> In your March 9, 2001 request, you requested that the Commission refund the entire \$37,800.00 late charge penalty which, as discussed above, OMD denied.

<sup>2</sup> You explain that Dobson paid the \$151,200.00 fiscal year 2000 regulatory fee on March 8, 2001 (as well as a 25 percent late charge penalty on that payment), even though it had already paid \$4,745.16 towards the required regulatory fee on September 20, 2000, out of an abundance of caution.

Dobson's fiscal year 2000 regulatory fee. A check made payable to the maker of the original check, and drawn in the amount of \$1,186.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please contact the Revenue & Receivables Operation Group at (202) 418-1995.

*timely submitted portion of its*

Sincerely,

Mark Reger  
Chief Financial Officer