

Claudette
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FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

MAR 24 2003

OFFICE OF
MANAGING DIRECTOR

David B. McClure
Chief Financial Officer
Highland Group
550 North Eisenhower Drive
Beckley, West Virginia 25801

Re: Request for Waiver of Late Charge Penalty for
FY 2002 Regulatory Fee
Fee Control No. 00000RR06-03-065

Dear Mr. McClure:

This is in response to your request for waiver of the penalty fee charged to Highland Cellular, Inc. (Highland) for the late payment of its Fiscal FY 2002 regulatory fee, which was due September 25, 2002. You state that your records indicate that this check was prepared and mailed on September 24, 2002 and that the FCC received it on September 30, 2002. You also state that it was your understanding through discussions with your legal counsel that the check needed to be postmarked and mailed on or before September 25, and that had you known that the check needed to be received by the FCC by September 25, you would have sent it via overnight mail. You state that you tried to comply with the spirit of the payment requirements as you understood them at the time and request that the Commission waive the late fee.

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. It is the obligation of the licensee 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. Your request does not indicate or substantiate that Highland met this obligation. Therefore, your request for waiver of the late charge penalty for late payment of the FY 2002 regulatory fee is denied.

David B. McClure

2.

Payment of Highland's FY 2002 late fee is now due. Payment in the amount of \$2,385.18 must be submitted together with a copy of Bill # 0320000066 (copy enclosed) within 30 days from the date of this letter. You are cautioned that the failure to submit payment as required may result in further sanctions and the initiating of a proceeding to recover the penalty and any accrued interest pursuant to the provisions of the Debt Collection Improvement Act.

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

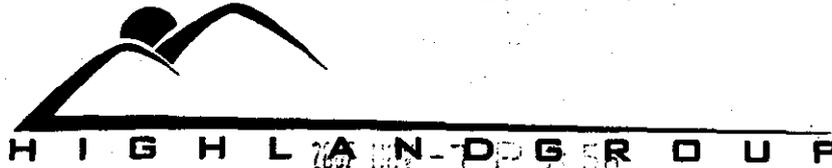
Sincerely,



 Mark A. Reger
Chief Financial Officer

Enclosure

00000RR06-03-065



550 North Eisenhower Drive
Beckley, West Virginia 25801-3157
Tel: (304) 255-5981 Fax: (304) 252-1852

November 1, 2002

Office of Managing Director
Federal Communications Commission
Room 1A623
945 12th Street SW
Washington, DC 20554

To Whom It May Concern:

I am in receipt of a Bill for Collection from the FCC representing a penalty for late regulatory fee payment not received by 09/25/02 (a copy is attached). Our records indicate that this check was prepared and mailed on 9/24/02. The check was sent by regular mail and received by the FCC on 9/30/02. It was our understanding through discussions with our legal counsel on 9/23/02 that the check needed to be postmarked and mailed on or before 9/25/02. Had I known that the check needed to be received by the FCC by 9/25/02, I would have sent it via overnight on 9/24/02 and the FCC would have received it on 9/25/02. This was a misunderstanding on our part and I will see that it does not occur again in future years. I believe that we tried to comply with the spirit of the payment requirements as we understood them at the time and would respectfully request that the FCC waive this penalty. We appreciate your consideration of this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "David B. McClure". The signature is fluid and cursive, written over the printed name and title.

David B. McClure
Chief Financial Officer

RECEIVED JAN 15 2003

