

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
FEB 18 2004

OFFICE OF
MANAGING DIRECTOR

Peter B. Savage
Acting President
Blue Ridge Financial, Inc.
2111 Brevard Road
Arden, NC 28704

Re: WWIT (AM) FY 2002 Regulatory Fee
Fee Control No. 00000RROG-04-027
Bill No. FY03AM0818

Dear Mr. Savage:

This is in response to your request dated October 29, 2003, filed on behalf of Blue Ridge Financial, Inc (Blue Ridge Financial) for waiver of late fees or penalties associated with the fiscal year (FY) 2002 regulatory fees for station WWIT (AM). Our records reflect that your \$975.00 regulatory fee check was processed by the Commission on December 10, 2003, but that we have not yet received your late payment penalty of \$243.75.

In support of your waiver request, you explain that you had no knowledge of nor ever received any statement that the bill was due. You explain that the original president of Blue Ridge Financial, Alan Warshaw, ceased performing any functions for the company when a dispute arose stemming from financial irregularities; that you were in litigation from December 2001 through most of 2002; that Mr. Warshaw's home address was listed as the address of record; and that, therefore, you, as the only other financial backer, knew little or nothing of the financial obligations of the company. Finally, you state that the station was sold to Saga Communications in August of 2002.

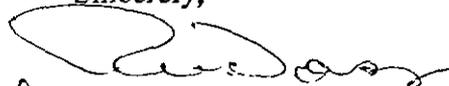
The Commission's records indicate that an application was filed by Blue Ridge Financial in June 2002 to transfer WWIT (AM) to Wilkiemedia, LTD. That application was never consummated. Blue Ridge Financial subsequently filed an application on January 9, 2003 to transfer WWIT (AM) to Saga Communications. That application was consummated on March 11, 2003. On that date, the station's call sign was changed to WOXL. Accordingly, Blue Ridge Financial was the owner of record of WWIT (AM) on September 25, 2002, the final date for payment of FY 2002 regulatory fees, and therefore was the party responsible for payment of WWIT (AM)'s FY 2002 regulatory fee.

While we are sympathetic to your circumstances, the Commission's rules are clear that licensees such as Blue Ridge Financial are required to pay to the Commission an annual regulatory fee in a timely manner. See 47 C.F.R. §1.1157; see also *Assessment and Collection of Regulatory Fees for Fiscal Year 2002*, Report and Order, 17 FCC Rcd 13,203 (2002), 47 U.S.C. §159. As a Commission licensee, Blue Ridge Financial was charged with the responsibility to familiarize itself with the Commission's rules and requirements. Therefore, your lack of familiarity with the Commission's rules governing and public notices concerning regulatory fee payments does not mitigate or excuse Blue Ridge Financial's failure to pay the FY 2002 regulatory fee in a timely manner. The Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances. *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970). Furthermore, 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. 47 U.S.C. §159(c).

For the reasons discussed above, we deny your request to waive the penalty for late payment of the fiscal year 2002 regulatory fee.

Payment of Blue Ridge Financial's \$243.75 late payment penalty for FY 2002 regulatory fee is now due. It should be submitted, together with a copy of Bill Number FY03AM0818 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

Enclosure:
Bill Number FY03AM0818

00000 R'ROG-04-027

RECEIVED
FCC

RECEIVED
FCC

Blue Ridge Financial, Inc.

**2111 Brevard Road
Arden, NC 28704**

2003 NOV 21 P 5:28

2003 NOV 21 P 5:28

ADDRESS PROCESSING
10/29/2003

COMMUNICATIONS
DIVISION

RECEIVED & INSPECTED
NOV 12 2003
FCC - MAILROOM

Federal Communications Commission
Revenue & Receivables Operations Group
Washington DC 20554

Attention: Ms Claudette E. Pride, Chief
Revenue & Receivables Operations Group

Re. WWITAM

Dear Ms. Pride:

Enclosed is a check for \$975.00 for the regulatory fee for FY 2002. The station was sold to SAGA communications in August of that year.

We respectfully request you forgive the penalty because I had no knowledge of nor never received any statement that a fee was due. The original president of Blue Ridge was Alan Warshaw. He ceased performing any functions for the company when a dispute arose stemming from financial irregularities. We were in litigation from December 2001 through most of 2002. I was the financial backer, and only other stockholder and knew little or nothing of the financial obligations of the company. Since Warshaw had listed his home address as the address of record any communications concerning financial matters probably came to him and were thrown away. Had we known of any fees due we would have paid them in a timely manner. We feel it is grossly unfair for us to be penalized for something we had no notice or knowledge of.

This venture has cost me most of my life savings as it stands, surely the FCC wouldn't penalize the company, thereby me, for the actions of Mr. Warshaw. My sincere thanks for your favorable consideration in this matter.

Respectfully,



Peter B Savage President (actng)

RECEIVED DEC 09 2003

AR012-A
1/14/2004
10:49:29

RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.
RECEIPTS DETAIL REPORT
SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

PAGE 1
1/14/2004
10:49:29

CD No.	CD DATE	FEE CONTROL No.	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
051502	5/15/02	0205158350880098	0007078652	Blue Ridge Financial Incorpora	5/15/02	\$110.00
PTC: MDR Seq: 1 Call Sign: WWIT FCC Code 1: 51155 FCC Code 2: CDBS20020515AAL QTY: 1 Applied Amt: 110.00						Tin Number: 562165515
Applicant Name: BLUE RIDGE FINANCIAL Address: 2111 BREVARD ROAD						
061902	6/19/02	0206198350892340	0007078652	Blue Ridge Financial Incorpora	6/19/02	\$755.00
PTC: MPR Seq: 1 Call Sign: WWIT FCC Code 1: 51155 FCC Code 2: CDBS20020619ABS QTY: 1 Applied Amt: 755.00						Tin Number: 562165515
Applicant Name: BLUE RIDGE FINANCIAL Address: 2111 BREVARD ROAD						
080864	12/11/03	0312118835280001	0007078652	Blue Ridge Financial Incorpora	12/10/03	\$975.00 ←
PTC: 0225 Seq: 1 Call Sign: FY03AM0818 FCC Code 1: FCC Code 2: QTY: 1 Applied Amt. 975.00						Tin Number:
Applicant Name: BLUE RIDGE FINANCIAL INC Address: 2111 BREVARD ROAD						
Total Applied:				\$1,840.00	Total Receipt:	\$1,840.00

Blue Ridge Waiver

Tom Putnam

From: Marjorie Bertman
Sent: Wednesday, January 14, 2004 10 01 AM
To: Tom Putnam
Subject: Blue Ridge Financial 00000RROG-04-027

Tom, I spoke to the folks in the Media Bureau and figured out what happened to this station. An application was filed by Blue Ridge to transfer the station to Wilkimedia in June of 2002 but nothing ever happened with that application. In January of 2003, Blue Ridge filed another application to transfer the station to Saga Communications that was consummated on March 11, 2003. At that time the call sign was changed to WOXL. Furthermore, the address on the letter is not the address of the station in our records. That is why you were unable to find WWIT in Arden, NC on the public notice. In any event, Blue Ridge was responsible for the FY 2002 reg fee.

My only remaining question is whether the \$975 payment did arrive with the waiver request for the late payment penalty. The RAMIS reports attached to the waiver request in my file are confusing, plus they are from October 21, so they wouldn't reflect a November payment of the reg fee. There is a copy of the check in my file, but since it is not stamped received, I don't know whether Blue Ridge sent the copy or we made the copy once we received it. Please check whether we have received the payment, and if so, the date. I have the letter ready to go and would love to move it off my desk asap! Me



Federal

Billing file # FY03AM0818

October 2, 2003

BLUE RIDGE FINANCIAL, INC.
2111 Brevard Road
Arden, NC 28704

Re. FY03AM0818

Dear Licensee:

This letter is in reference to the annual 2002 regulatory fee(s), which were due to the Federal Communications Commission (Commission) by no later than September 25, 2002. This is a mandatory fee established by Congress in accordance with The Omnibus Budget Reconciliation Act of 1993. The fees are used to offset costs associated with the Commission's enforcement, public service, international and policy and rulemaking activities.

The Commission is currently verifying its FY 2002 Mass Media Bureau regulatory fees collection to identify those regulatees who have not paid. Our research indicates that we have no record of your 2002 regulatory fee payment for the following call sign:

WWITAM

The amount now due is \$975.00 plus 25% penalty of \$243.75 for late payment of the fee(s). The total amount now due is \$1187.50. Payment in full should be remitted with the enclosed Form 159 to: **Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835** within thirty (30) days of the date of this letter. You should submit all payments that may be due including the 25% penalty for each call sign. To obtain a copy of the Public Notice for further instructions, go www.fcc.gov and click on "Fees." Then click on Regulatory Fees and locate your particular service.

If payment has been made, please provide a complete copy of your submission including proof of payment. If you believe you are not obligated to pay under the Commission's rules, please submit complete documentation supporting your position within thirty (30) days of the date of this letter. These documents should be sent to: **Federal Communications Commission, Revenue & Receivables Operations Group, Room 1A821, 445 12th Street, SW, Washington, DC 20554.**

We urge you to verify that proper payment was made to the Commission for this or any other call sign in past years. If you find that you were responsible for this payment but neglected to provide it in a past year, please remit those additional fees plus a 25% penalty before additional administrative action is undertaken.

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined by CFR Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why its existing instrument of authorization should not be revoked. Further sanctions include interest charges, and the full cost of collection to the Federal Government pursuant to Section 3720A of the Internal Revenue Code and the provisions of the Debt Collection Improvement Act of 1996.

If you need further assistance, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

Claudette E. Pride, Chief
Revenue & Receivables Operations Group

Enclosure
FILE COPY

Bill exists - YOU ARE IN MODIFY MODE - PRESS F9 TO EXIT
RAMIS ACCOUNTS RECEIVABLE SUBSYSTEM

(c) DSG, Inc.

Add/Modify Billing Information

Document Number FY03AMOB18

FRN 0007078652

Blue Ridge Financial Incorporated

Bill Date 10/21/03

Bill Amount \$1,218.75

Bill Type RECEIVABLE

Bill Paid \$0.00

Bill Due Date 11/20/03

Bill Balance Due \$1,218.75

Dunning Indicator Bill Cycle

Interest Due \$0.00

Referral Code Waiver

Penalty Due \$0.00

Print Seq # Waiver Date

Admin Chg Due \$0.00

Transaction Date 10/21/03 Acct Period 01

Total Due \$1,218.75

Bill Description FY02 REG FEE WWITAM

Line Item Sequence	BFY	FUND	PROG	ORG	PROJ	BOC	TYPE	
Accounting Classification Code	2003	REG 9	95	9500		412		
Product No. 0225	Quantity		1 Item Amount			\$975.00		
Document Status 0			Item Paid			\$0.00		
Transaction Code			Item Balance Due			\$975.00		
Reference Type	Reference No.		Line 000					
Bureau File No. 41								
Item Description	REG FEE							
Fy Days	Rate	0.00						
F1 NEXT	F2 PREV	F3 VERIFY	F4 CRM	F6 SAVE	F8 BACK	F9 EXIT		

10/21/2003 ARIPNL2

AMIS ACCOUNTS RECEIVABLE SUBSYSTEM

(c) DSG, Inc.

Add/Modify Billing Information

Document Number FY03AM0818

RN 0007078652

Blue Ridge Financial Incorporated

Bill Date 10/21/03

Bill Amount \$1,218.75

Bill Type RECEIVABLE

Bill Paid \$0.00

Bill Due Date 11/20/03

Bill Balance Due \$1,218.75

Billing Indicator Bill Cycle

Interest Due \$0.00

Referral Code Waiver

Penalty Due \$0.00

Print Seq # Waiver Date

Admin Chg Due \$0.00

Transaction Date 10/21/03 Acct Period 01

Total Due \$1,218.75

Bill Description FY02 REG FEE WUITAM

Line Item Sequence	002	BFY	FUND	PROG	ORG	PROJ	BOC	TYPE
--------------------	-----	-----	------	------	-----	------	-----	------

Accounting Classification Code	2003 08	95	9500	412
--------------------------------	---------	----	------	-----

Product No.	0299	Quantity	1	Item Amount	\$243.75
-------------	------	----------	---	-------------	----------

Document Status	0	Item Paid	\$0.00
-----------------	---	-----------	--------

Transaction Code	T4510	Item Balance Due	\$243.75
------------------	-------	------------------	----------

Reference Type	Reference No.	Line 000
----------------	---------------	----------

Bureau File No. 41

Item Description PENALTY

Fy Days 360 Rate 0.00

F1 NEXT F2 PREV F3 VERIFY F4 CRM

F6 SAVE F8 BACK F9 EXIT

10/21/2003 ARIPNL2