

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 6 2006

OFFICE OF
MANAGING DIRECTOR

Richard C. Eads
Vice President and General Manager
Eads Broadcasting Corporation
Post Office Box 749
Albany, Oregon 97321

Re: KGAL/KSHO Radio
Request for Extension of FY 2005
Regulatory Fee Payment Deadline
Fee Control No. 00000RROG-05-067

Dear Mr. Eads:

This responds to your request that the penalty for late payment of the fiscal year (FY) 2005 regulatory fees for Eads Broadcasting Corporation (Eads Broadcasting), licensee of broadcast stations KGAL and KSHO, Albany, Oregon, be forgiven. Our records show that the FY 2005 regulatory fees in the amount of \$1,625, and late penalties in the amount of \$406.25, were paid on September 27, 2005. As explained below, we will not extend the deadline for payment of the FY 2005 regulatory fees for Eads Broadcasting.

In support of your request, you state that payment of the regulatory fee is burdensome, and that payment of the late penalty is even more so¹. In addition, you state that you have paid all regulatory fees for previous FYs in a timely manner². You also state that you were very indirectly affected and distracted by Hurricane Katrina³. Specifically, you state that you were involved in the relocation of an elderly relative who lived in a retirement home.⁴ You also state that you have other relatives in the New Orleans area that had to be relocated.⁵ Finally, you mention that your stations have been very involved in several fundraising events to help the victims⁶.

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. See 47 C.F.R. § 1.1164.

¹ Letter from Richard C. Eads, VP/General Manager KGAL/KSHO Radio, to ARINQUIRES@fcc.gov (September 27, 2005) (Eads Letter).

² Id.

³ Id.

⁴ Id.

⁵ Id.

⁶ Id.

On August 31, 2005, the Commission extended the payment deadline for those licensees and regulatees in the area affected by Hurricane Katrina from 11:59 p.m. September 7, 2005, to 11:59 p.m. September 28, 2005.⁷ For all others, *i.e.*, those not affected by the hurricane, the previous announced window remains in effect, and the Commission's rules concerning late payment or non-payment will be enforced.⁸ Licensees and regulatees affected by the hurricane must include a certification that payment could not be made within the previous announced time because of the hurricane.⁹

The information you submitted fails to support a finding that Eads Broadcasting may avail itself of the extended payment deadline. To begin with, your broadcast stations are not located in the area affected by Hurricane Katrina and you have not demonstrated that payment could not be made in a timely manner because of the hurricane. By your own account, the circumstances you recite apparently bear little or no relation to your fee payment obligations and none purports to show how you were affected by the hurricane. Accordingly, we cannot find Eads eligible for the extended deadline and therefore find that Eads Broadcasting is responsible for payment of the FY 2005 regulatory fee and the associated late payment fee.

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

⁷ Public Notice, DA 05-2396, August 31, 2005.

⁸ Id.

⁹ Id.

Eads' Filing

00000RR06-067

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To: arinquiries@fcc.gov
Subject: Regulatory Fees

RE: KGAL & KSHO Radio
Eads Broadcasting Corporation
Lebanon
Facility ID's 18038 & 18039

ATTN: Evelyn

FAX: (202) 418-2827

Dear Evelyn:

Thank you for your help today by phone. I would really appreciate it if we can get the 25% penalty forgiven. The \$1625 is tough to come up with, but the extra \$406.25 really makes it difficult. As you instructed I've printed out the Confirmation Report and I will FAX it to you today.

I've been a faithful and on-time payer of this annual Regulatory Fee since it's inception. I hope you will take that into account as well as the fact that I was indeed very indirectly affected and distracted by the Katrina Hurricane disaster. My Uncle, William J. Eads, who is in his 80's and in a retirement living home had to be relocated and I was involved in that. In addition I have cousins in the New Orleans area that also had to be relocated. My stations have been very involved in several fund raising events to help the victims. None of this represents a good excuse for neglected my FCC compliance obligations as the licensee of KGAL and KSHO, however I thought you might be able to take these things into account.

In conclusion, I would like to pay the full \$1625.00 Regulatory Fees (\$475 for KGAL + \$1150 for KSHO) that was due on September 7, 2005. I will look forward to hearing from you next week and I will pay the balance as soon as we resolve what that balance will be. I just remembered that I will be involved in a music project next week at a local public school so I will be tough to reach by phone. It would probably be best to communicate via email or FAX. Or, you can leave a message in my voicemail (541) 926-8683 X 214.

Thank you!



Richard C. Eads
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