

Adams

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

March 9, 2006

Dan J. Alpert, Esq.
2120 N. 21st Road
Suite 400
Arlington, VA 22201

Re: Request for Waiver of FY 2005
Regulatory Fee
Fee Control No. 0509078835886241

Dear Mr. Alpert:

This is in response to the petition for a waiver of the Fiscal Year 2005 (FY 2005) regulatory fee that you filed on behalf of Creative Media, Inc. (Creative Media), licensee of Radio Station KXXA (AM), Conway, Arkansas (Petition). You request a waiver and a refund of the FY2005 regulatory fee, asserting that KXXA is dark (not operating).¹ For the reasons that follow, we grant your request.

KXXA is dark, pending resumption of operations pursuant to a grant of special temporary authority from the Commission.² Our records confirm that the station has been silent since at least June 6, 2004.³ In Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995), the Commission, noting that dark stations are generally either without or with greatly reduced revenues, and that imposition of a regulatory fee could be an impediment to the restoration of service by dark stations, held that it would waive the regulatory fee for stations which have ceased operation.

Accordingly, your request is granted and the FY 2005 regulatory fee for Creative Media, licensee of AM Radio Station KXXA, is waived. The waiver shall remain in effect until the station is reactivated. Pursuant to the waiver, the licensee is entitled to reimbursement of the previously paid regulatory fee (\$675) for KXXA (AM).

A check, made payable to the maker of the original check, and drawn in the amount of \$675.00, will be sent to you at the earliest practicable time.

¹ Petition at 1.

² Letter from Peter H. Doyle, Chief, Audio Division, Media Bureau, FCC to Dan J. Alpert. (August 5, 2005).

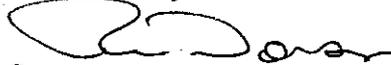
³ Letter to Creative Media, Inc. (MB June 6, 2005).

Dan J. Alpert, Esq.

2.

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

Sincerely,



 Mark Reger
Chief Financial Officer

The Law Office of
Dan J. Alpert

2120 N. 21st Rd.
Arlington, VA 22201
DJA@COMMLAW.TV

6390

(703) 243-8690

(703) 243-8692 (FAX)

September 7, 2005

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

0509078835886241

**Re: Stations KXXA(AM)
Facility No. 14466
Conway, AR**

Dear Mr. Fishel:

Creative Media, Inc., by its attorney, hereby requests a waiver and refund of its 2005 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.

Creative Media, Inc. is licensee of Station KXXA(AM), Conway, Arkansas. The station currently is dark. Attachment 1. Accordingly, a waiver of the 2005 Annual Regulatory Fee is appropriate. A refund of the \$675 fee that was timely paid respectfully is requested.

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

Very truly yours,

Dan J. Alpert

Counsel for Creative Media, Inc.

Attachment 1

FEDERAL COMMUNICATIONS COMMISSION

**445 12th STREET, S.W.
WASHINGTON, DC 20554**

August 5, 2005

In Reply Refer to:
1800B3-MFW

Dan J. Alpert, Esq.
2120 North 21st Road
Arlington, VA 22201

**In re: KXXA(AM) (formerly KTOD(AM)),
Conway, AR
Facility ID No. 14466**

**Request for Special Temporary
Authorization**

Dear Mr. Alpert:

This letter refers to the July 14, 2005, request for Special Temporary Authorization ("STA") filed by Creative Media, Inc. ("CMI") to resume operation of station KXXA(AM), Conway, Arkansas. CMI requests STA to resume KXXA(AM) operation pending consideration of its Petition for Reconsideration¹ of the staff letter of June 6, 2005² notifying CMI that its license had expired and terminating CMI's operating authority for KXXA(AM) because the station apparently had been silent for more than 12 consecutive months.³

Under Section 309(f) of the Communications Act, 47 U.S.C. Section 309(f), when an appropriate application has been filed, the Commission may grant special temporary authorization if it finds that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the institution of such temporary operations would seriously prejudice the public interest. In this case, CMI filed an (albeit untimely) license renewal application for KXXA(AM),⁴ we believe that the public interest in maintaining KXXA's broadcast service to the residents of Conway warrants continued operation of the station pending consideration of CMI's Petition for Reconsideration and license renewal application.

Accordingly the July 14, 2005, request for Special Temporary Authorization filed by Creative Media, Inc. IS GRANTED, and it may resume operation of KXXA(AM), Conway, Arkansas, with its previously authorized facilities. This authorization will expire (1) 180 days

¹ Letter to Ms. Marlene Dortch from Dan J. Alpert, Esq. (rec'd July 6, 2005).

² Letter to Creative Media, Inc. (MB June 6, 2005).

³ See 47 U.S.C. § 312(g).

⁴ File No. BR-20040628ABM.

from the date of this letter; or (2) upon action on the pending KXXA(AM) license renewal application, whichever is sooner. Additionally, grant of this authorization is without prejudice to whatever action, if any, the staff deems appropriate in light of any violations uncovered in its evaluation of the record in this proceeding, including CMI's failure to file a timely license renewal application for KXXA(AM).

Sincerely,

A handwritten signature in black ink, appearing to read 'Peter H. Doyle', with a long horizontal flourish extending to the right.

Peter H. Doyle, Chief
Audio Division
Media Bureau

cc: Creative Media, Inc.

2-1450
CHW

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET, S.W.
WASHINGTON, DC 20554
July 2, 2004

In Reply Refer to:
1800B3-MFW

RECEIVED & INSPECTED
JUL - 7 2004
FCC - MAILROOM

Dan J. Alpert, Esq.
2120 North 21st Road
Arlington, VA 22201

7-14-05 Request to
commence operations
GR 8-5-05

In re: KTOD(AM), Conway, AR
Facility ID No. 14466

Request for Special Temporary
Authorization

Dear Mr. Alpert:

This letter refers to the June 11, 2004, request for Special Temporary Authorization ("STA") filed on behalf of Creative Media, Inc., ("CMI"), former licensee of station KTOD(AM), Conway, Arkansas.

An application for renewal of KTOD(AM)'s license should have been filed by February 1, 2004. No such application was filed, primarily because CMI was unable to contact its previous communications counsel,¹ and the KTOD(AM) license expired on June 1, 2004. CMI surmises that its prior counsel either retired, without providing notification to CMI, or is deceased. CMI then retained new counsel and subsequently filed a license renewal application² and the subject STA request.

Under Section 309(f) of the Communications Act, 47 U.S.C. Section 309(f), when an appropriate application has been filed, the Commission may grant special temporary authorization if it finds that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the institution of such temporary operations would seriously prejudice the public interest. In this case, we believe that the public interest in maintaining KTOD(AM)'s broadcast service to the residents of Conway warrants continued operation of the station pending consideration and disposition of the (untimely) renewal application.

Accordingly, the June 15, 2004, request for Special Temporary Authorization filed by Creative Media, Inc. IS GRANTED, and it may continue its operation of KTOD(AM), Conway,

¹ CMI surmises that its prior counsel either retired, without providing notification to CMI, or is deceased. STA Request, at 1.

² File No. BRH-20040628ABM.

Arkansas, with the facilities for which the license expired on June 1, 2003. This authorization will expire (1) 180 days from the date of this letter; or (2) upon action on the pending KTOD(AM) license renewal application, whichever is sooner. Additionally, grant of this authorization is without prejudice to whatever action, if any, the staff deems appropriate in light of the failure to file a timely license renewal application for KTOD(AM).

Sincerely,

A handwritten signature in black ink, appearing to read "Peter H. Doyle", with a long horizontal flourish extending to the right.

Peter H. Doyle, Chief
Audio Division
Media Bureau

cc: Creative Media, Inc.