

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

APR 10 2006

OFFICE OF
MANAGING DIRECTOR

Ms. Helen Fallon
Iron Link Communications, Inc.
277 SW 33rd Street
Fort Lauderdale, FL 33315

Re: Request to Waive Late Payment Penalty
For FY 2005 Regulatory Fee
Fee Control No. 0601188340503004

Dear Ms. Fallon:

This is in response to your request for waiver of a late payment penalty associated with the fiscal year (FY) 2005 regulatory fees for Iron Link Communications, Inc. (ILC).¹ Our records reflect that on January 18, 2006, subsequent to the September 7, 2005 payment deadline,² we received \$410.00 in payment for ILC's FY 2005 regulatory fees for its two earth stations (\$205.00 each). As explained below, your request for waiver of the 25 per cent penalty is denied.

In support of your request, you state that you never received original bills.³

In FY 2003, the Commission determined that it would use its website rather than surface mail to disseminate regulatory fee public notices to inform its licensees when regulatory fees were due.⁴ In FY 2004, the Commission determined again that it would continue to provide all the necessary regulatory fee payment procedure information on its website and no longer would disseminate public notices through surface mail.⁵ Similarly, in the FY 2005 Report and Order, the Commission stated that it would generate public notices and fact sheets that notify regulatees of the fee payment due date and would make these items and other relevant fee payment information available on its website.⁶ Accordingly,

¹ Waiver Request from Helen Fallon, dated Jan. 13, 2006 (Fallon Letter).

² *Public Notice, Payment Methods and Procedures for Fiscal Year 2005 Regulatory Fees*, 20 FCC Rcd 12567, (2005) (*FY 2005 Reg Fee Deadline Public Notice*).

³ Fallon Letter at 1.

⁴ *Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, Report and Order, 18 FCC Rcd 15985, ¶¶ 17-19 (2003) (*FY 2003 Report and Order*).

⁵ *Assessment and Collection of Regulatory Fees for Fiscal Year 2004*, Report and Order, 19 FCC Rcd 11662, ¶¶ 33-34 (2004) (*FY 2004 Report and Order*).

⁶ *Assessment and Collection of Regulatory Fees for Fiscal Year 2005*, Report and Order, 20 FCC Rcd 12259, ¶ 27 (2005) (*FY 2005 Report and Order*).

the Commission took great care to inform its licensees of the FY 2005 due dates, the amounts due, and payment methods in public notices and on its web site, www.fcc.gov.⁷

The Commission's rules are clear that licensees such as ILC are required to pay to the Commission an annual regulatory fee in a timely manner.⁸ It is the obligation of the licensees responsible for regulatory fee payments to ensure the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.⁹ As a Commission licensee, ILC is charged with the responsibility to familiarize itself with the Commission's rules and requirements. Therefore, ILC's lack of familiarity with the Commission's rules governing and public notices concerning regulatory fee payments and due dates does not mitigate or excuse ILC's failure to pay its FY 2005 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."¹⁰ Thus, ILC's assertion that it did not receive original invoices does not excuse or cancel its obligation to timely pay its FY 2005 regulatory fee. To obtain the information needed to pay its regulatory fee by the September 7, 2005 due date, ILC could have either used the Commission's website or contacted the Commission by telephone, as directed in the *FY 2005 Report and Order*.¹¹ 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.¹²

For the reasons discussed above, we deny your request to waive the penalty for late payment of the FY 2005 regulatory fee.

⁷ See *FY 2005 Reg Fee Deadline Public Notice* at 1 (licensees and regulatees must make annual regulatory fees payments by 11:59 PM September 7, 2005); *Public Notice, Fee Filer Now Available for 2005 Regulatory Fees*, 20 FCC Rcd 23325, (2005) (including centered, bold printed statement "Due Date for Paying Regulatory Fees is September 7, 2005"); *Regulatory Fees Fact Sheet, "What You Owe – International and Satellite Services Licensees for FY 2005"* July 2005 (explaining who must pay, how much is owed, and instructions for completing FCC Form 159).

⁸ See *FY 2005 Report and Order* at ¶¶ 45-49; 47 U.S.C. §159; 47 C.F.R. §1.1157.

⁹ *Id.*

¹⁰ *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).

¹¹ *FY 2005 Report and Order* at ¶ 27.

¹² 47 U.S.C. §159(c).

Ms. Helen Fallon

3.

Payment of the penalty of \$102.50 is now due. It should be submitted, together with copies of Bill Numbers 06RE003077 and 06RE003078, 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,

A handwritten signature in black ink, appearing to read "Mark Stephens", written over a horizontal line.

Mark Stephens
Acting Chief Financial Officer

4431



IRON LINK COMMUNICATIONS, INC.

277 SW 33RD STREET
FORT LAUDERDALE, FL 33315
(954) 483-9003

COLONIAL BANK
FORT LAUDERDALE, FL 33301
83-151/670

1/13/2006

PAY TO THE ORDER OF F.C.C.

\$ **205.00

Two Hundred Five and 00/100

DOLLARS

F.C.C. Federal Communications Commission

RE: 06RE003078

MEMO

⑈004431⑈ ⑆067001518⑆ 8032468327⑈

IRON LINK COMMUNICATIONS, INC.

4431

F.C.C.		1/13/2006	
Date	Type	Original Amt.	Balance Due
01/13/2006	Bill	205.00	205.00
			Discount
			Check Amount
			Payment
			205.00
			205.00

Colonial Bank

RE: 06RE003078

205.00



Federal Communications Commission
Washington, D.C. 20554
January 4, 2006

IRON-LINK COMMUNICATIONS, INC.
277 S.W. 33RD STREET
DAVIE, FL 33315

Re: 06RE003078

Dear Licensee:

This letter is in reference to the annual 2005 regulatory fee(s), which were due to the Federal Communications Commission (Commission) by no later than September 7, 2005. 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 2005 International Bureau regulatory fees collection to identify those regulatees who have not paid. Our research indicates that we have no record of your 2005 regulatory fee payment for the following earth station:

CALLSIGN: E990443

The amount now due is \$205.00 plus 25% penalty of \$51.25 for late payment of the fee(s). The total amount now due is \$256.25. Payment in full should be remitted with the enclosed Form 159 to: **Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-5340** 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.

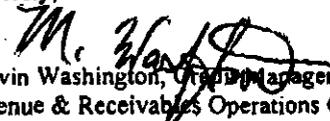
If payment has been made, please provide a complete copy of your submission including proof of payment. If you believe you are not obligated to pay under the Commission's rules, please submit complete documentation supporting your position within thirty (30) days of the date of this letter. These documents 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,


Marvin Washington, Credit Manager
Revenue & Receivables Operations Group

Enclosure



Federal Communications Commission
Washington, D.C. 20554
January 4, 2006

IRON-LINK COMMUNICATIONS, INC.
277 S.W. 33RD STREET
DAVIE, FL 33315

Re: 06RE003077

Dear Licensee:

This letter is in reference to the annual 2005 regulatory fee(s), which were due to the Federal Communications Commission (Commission) by no later than September 7, 2005. 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 2005 International Bureau regulatory fees collection to identify those regulatees who have not paid. Our research indicates that we have no record of your 2005 regulatory fee payment for the following earth station:

CALLSIGN: E000587

The amount now due is \$205.00 plus 25% penalty of \$51.25 for late payment of the fee(s). The total amount now due is \$256.25. Payment in full should be remitted with the enclosed Form 159 to: Federal Communications Commission, P.O. Box 358340, Pittsburgh, PA 15251-5340 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,

A handwritten signature in black ink, appearing to read "Marvin Washington".

Marvin Washington, Credit Manager
Revenue & Receivables Operations Group

Enclosure

~~PROC-06-00006425~~
FCN-0601188340503004

ATT: EVELYN

I would like to request that the late fees be waived due to the fact that we never received the original bills.

Thank you for your time and attention in this matter.

Sincerely,



Helen Fallon