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FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

APR 10 2006

OFFICE OF
MANAGING DIRECTOR

John J. West, CPA
Controller
Line Systems, Inc.
17 Campus Boulevard
Suite 100
New Town Square, PA 19073

Re: Request to Waive Penalty for Late
Payment of FY 2005 Regulatory Fee
Fee Control No. 0601118365079001
Bill No. 05RE006972

Dear Mr. West:

This is in response to your request for waiver of the late payment penalty associated with the fiscal year (FY) 2005 regulatory fee for Line Systems, Inc. (LSI)¹ Our records reflect that on January 11, 2006, subsequent to the September 7, 2005 payment deadline, we received a \$3,661.67 payment for LSI's FY 2005 regulatory fee. As explained below, your request for waiver of the 25 percent penalty is denied.

You assert in your request that you mailed a check to the Commission in August 2005, but that it appears that the check never made it to the correct destination as your bank never cashed it.² You faxed us copies of the following documentation to support your request: (1) your check stub for check number 13946 dated August 10, 2005 drawn to the FCC in the amount of \$3,661.67; (2) an undated Stop Payment Confirmation on that original check; (3) an annotated page from your accounting records identifying entries for an FCC invoice for \$3,661.67, the original check, the new check, and the reverse out of the original check; and (4) a copy of check number 17163 dated December 28, 2005 made payable to the FCC for \$3,661.67.³ Further, you informed the FCC staff that you sent your original payment through the United States Post Office (USPO) regular mail but did not have proof of mailing.

The Communications Act of 1934, as amended, requires the Commission to assess a penalty of 25 percent on any regulatory fee not received in a timely manner.⁴ It is the obligation of the licensees responsible for regulatory fee payments to ensure the

¹ Waiver Request from John J. West, Controller, Line Systems, Inc., received Jan. 6, 2006 (West Letter).

² *Id.* West Letter at 1.

³ *Id.* at 2-5.

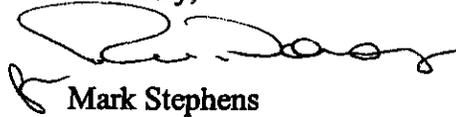
⁴ 47 U.S.C. §159(c).

Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.⁵ Your request does not indicate or substantiate that LSI met this obligation. Finally, we point out that the Commission's rules allow payment of regulatory fees in forms that would not be affected by extrinsic factors, such as the uncertainties associated with the timing of mail delivery.⁶

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

Payment of LSI's penalty of \$915.42 is now due. It should be submitted, together with a copy of Bill No. 05RE006972, 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 Stephens
Acting Chief Financial Officer

⁵ See 47 C.F.R. §1.1164.

⁶ See 47 C.F.R. §1.1158. The Commission also provides a fee filer on-line system for payment of annual regulatory fees and the electronic submission of related filing data. It is fully explained on the Commission's web site, www.fcc.gov. See *Public Notice, Payment Methods and Procedures for Fiscal Year 2005 Regulatory Fees*, 20 FCC Rcd 12567 (2005); *Public Notice, Fee Filer Now Available for 2005 Regulatory Fees*, 20 FCC Rcd 23325 (2005).

06011836507900

FO WAIVER TRACKING
CNTL# 6373



To: Evelyn, FCC John J. West, CPA

From: Controller (610) 306-8311 cell

Fax: 202-417-7869 Pages: 5, including cover sheet

Phone: Date: 1/6/2006 5:13 PM

Re: 2005 Invoice for FRN: 0005-0839-44 CC:

Re: ABATEMENT of Penalty

Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

Evelyn: I am writing to you today to have the penalty of \$915.42 removed from our latest invoice from the FCC. This penalty was charged to Line Systems, Inc. (LSI) because the check that we mailed in August 2005 was not received by the appropriate due date of 9/7/05. We would greatly appreciate the abatement of this penalty because LSI did mail a check to the FCC in August 2005 (see attached original check stub for check #13946 and a print out of transaction related to the FCC from the LSI accounting software), but unfortunately appears that this check never made to the correct destination as the check has not been cashed by our bank (see the attached Stop Payment Receipt print out from our bank). Also, please consider that LSI has never been late in the past regarding payments to the FCC.

I have also attached the replacement check that we are mailing to day to the FCC.

Thanks in advance for your consideration.

17 Campus Blvd
 Suite 100
 Newtown Square, PA. 19073
 610-355-8733
 610-353-3664...fax

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