

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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OFFICE OF
MANAGING DIRECTOR

May 31, 2006

Dawn M. Sciarrino
Patricia M. Chuh
Sciarrino & Associates, PLLC
5425 Tree Line Drive
Centreville, VA 20120-1676

Re: On Top Communications of
Mississippi, LLC
Regulatory Fees Waiver Request
Fee Control No. RROG-06-00006906

Dear Counsel:

We have reviewed the January 3, 2006, request on behalf of On Top Communications of Mississippi, LLC (On Top Communications Mississippi) for waiver of regulatory fees for fiscal year (FY) 2005.¹ On Top Communications Mississippi is licensee of the following stations: WRJH (FM), Brandon, Mississippi; and WME694. For the reasons set forth below, we grant your request for waiver of \$1,135.00 in regulatory fees due for FY 2005.²

Based on proof of bankruptcy filed pursuant to Chapter 11 of the Federal Bankruptcy Code of the United States,³ we find that you established evidence of financial hardship and good cause to warrant granting the requested relief from the Section 9⁴ regulatory fees. *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12761-62, ¶¶ 13-14 (1995) (evidence of bankruptcy or receivership is sufficient to establish financial hardship).

¹ Petition for Waiver and Deferral of FY 2005 Regulatory Fees, filed January 3, 2006 on behalf of On Top Communications of Mississippi. (Petition). See Petition, at 1.

² By this letter, we are also granting your request for deferral of the requirement to submit the fees until a decision is rendered on the request for the waiver, making unnecessary the payment of a 25 % late payment penalty.

³ The licensee filed at Attachment 1 of its Petition copies of the Notice of Chapter 11 Bankruptcy Case for On Top Communications of Mississippi, LLC (licensee and debtor-in-possession) (Case No. 05-27043), dated August 1, 2005, United States Bankruptcy Court, District of Maryland; and Notice of Chapter 11 Bankruptcy Case for On Top Communications, LLC (parent company of licensee) (Case No. 05-27037), dated August 1, 2005, United States Bankruptcy Court, District of Maryland.

⁴ 47 U.S.C. § 159.

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Therefore, your request is granted. If you have any questions concerning this letter, you may call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Stephens", written in a cursive style.

 Mark Stephens
Acting Chief Financial Officer

SCIARRINO & ASSOCIATES, PLLC
BROADCAST LEGAL SERVICES

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January 3, 2006

RR06-06-20006906

VIA FEDERAL EXPRESS - STANDARD

Federal Communications Commission
Office of the Managing Director
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554

Attn: Regulatory Fee Waiver/Reduction Request

**Re: REQUEST FOR WAIVER AND DEFERMENT OF FY 2005
REGULATORY FEES AND LATE PAYMENT PENALTIES
Licensee: On Top Communications of Mississippi, LLC
FRN: 0008-0029-17
WRJH(FM), Brandon, Mississippi (FIN 73959)
WME694**

Dear Sir/Madam:

On Top Communications of Mississippi, LLC ("Licensee"), the licensee of the above-referenced stations, by its counsel and pursuant to Section 1.1166 of the Commission's rules, hereby respectfully requests a waiver of Section 1.1153 with regard to the FY 2005 annual regulatory fees owed by the Licensee. In lieu of submitting the FY 2005 regulatory fees and pursuant to Section 1.1166(c) of the Commission's rules, the Licensee requests a deferment of the submission of the FY 2005 regulatory fees and late payment penalties as well as a waiver of these fees based on financial hardship. A total of \$1,135.00 in FY 2005 regulatory fees plus a 25% late payment penalty is owed by the Licensee.

On July 29, 2005, the Licensee and its parent company, On Top Communications, LLC, filed voluntary petitions for bankruptcy in the US Bankruptcy Court, District of Marland, seeking to reorganize under Chapter 11 of the US Bankruptcy Code. See attached Notice of Chapter 11 Bankruptcy Case for On Top Communications of Mississippi, LLC (Case No. 05-27043); Notice of Chapter 11 Bankruptcy Case for On Top Communications, LLC (Case No. 05-27037). As such, the Licensee is currently operating as a debtor-in-possession. On January 3, 2006, the Licensee filed an involuntary pro forma assignment of license application on FCC Form 316 to assign the licenses for the above-referenced stations to the Licensee, as debtor-in-possession (CDBS File No. 20060103ADJ). This application is currently pending before the Commission.

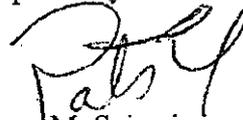
5425 TREE LINE DR. CENTREVILLE, VA 20120-1676
703.830.1679 (phone) 703.991.7120 (fax)

In light of the Chapter 11 bankruptcy proceeding, the Licensee requests a deferment of the submission of the FY 2005 regulatory fees and late payment penalties as well as a waiver of these fees based on financial hardship. The Commission's grant of such a waiver is in the public interest and consistent with the Commission's precedent. Section 1.1166 provides for a waiver of regulatory fees "where good cause is shown and where waiver, reduction or deferral of the fees would promote the public interest." 47 C.F.R. §1.1166. It has been long established by the Commission that reorganization under Chapter 11 bankruptcy is sufficient in and of itself to demonstrate financial hardship. *See Implementation of Section 9 of the communications Act*, 10 FCC Rcd 12,759, 12761-62 (1995); Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, FCC, to Stuart W. Nolan, Jr. (dated May 25, 2005) (granting waiver of FY 2003 and FY 2004 regulatory fees for licensee undergoing Chapter 11 bankruptcy when the request for waiver was filed on December 7, 2004, January 5, 2005, and February 23, 2005 and the licensee filed for Chapter 11 bankruptcy on November 3, 2000).

As evidenced by the Chapter 11 bankruptcy proceeding, the Licensee is in financial distress. Further, as established by Commission precedent, it is in the public interest for the FCC to grant a deferral and waiver of the FY 2005 regulatory fees and late payment penalties for the above-referenced stations so that the Licensee may conserve its financial resources and use them to continue operating the stations. Accordingly, the Licensee hereby respectfully requests that the Commission defer the submission of the FY 2005 regulatory fees and late payment penalties as well as grant a waiver of these fees based on financial hardship.

Should any questions arise concerning this matter, please contact the undersigned counsel.

Respectfully submitted,



Dawn M. Sciarrino
Patricia M. Chuh

Encls.