

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 9 2008

Adams

OFFICE OF
MANAGING DIRECTOR

David Tillotson, Esq.
4606 Charleston Terrace, N.W.
Washington, D.C. 20007-1911

Re: Ruby Radio Corp.
Station KHIX
Refund of Application Fee
Fee Control No. RROG-06-00006531

Dear Mr. Tillotson:

This is in response to your request dated January 9, 2005 (*Request*), filed on behalf of Ruby Radio Corp. (Ruby) for refund of the fee submitted in connection with an application for special temporary authority (STA) for Station KHIX to operate for up to 30 days without functioning emergency alert system (EAS) equipment. Our records reflect that Ruby paid the \$150.00 application fee. For the reasons stated herein, we grant your request.

You recite "that the STA request was dismissed because the rules permit operation without functioning EAS equipment for up to 60 days and, therefore, the requested STA was unnecessary."¹ You state that "the STA request was filed in the good faith, but mistaken belief, that an STA was needed and was dismissed without any 'processing.'"²

Our records reflect that on December 30, 2005, Ruby filed an STA request to operate Station KHIZ without EAS facilities. On January 6, 2006, Commission staff dismissed Ruby's STA request as unnecessary pursuant to section 11.35(b) of the Commission's rules, 47 C.F.R. §11.35(b).³ Because a filing fee was not required for the application at issue here, we find that a refund of the application fee is appropriate. See 47 C.F.R. §§1.1108 and 1.1113(a)(1). We therefore grant your request for a refund of the \$150.00 filing fee associated with Ruby's STA request.

¹ *Request* at 1.

² *Id.*

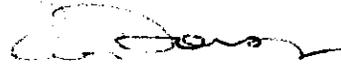
³ See Letter from Charles N. Miller, Media Bureau, to David Tillotson, Esq. (Jan. 6, 2006) (also citing 47 C.F.R. §11.35(c)); see also 47 C.F.R. §11.35(b) ("If the EAS Encoder or EAS Decoder becomes defective, the broadcast station, cable system or wireless cable system may operate without the defective equipment pending its repair or replacement for 60 days without further FCC authority); 47 C.F.R. §11.35(c) ("If repair or replacement of defective equipment is not completed within 60 days, an informal request shall be submitted . . . for additional time to repair the defective equipment.").

David Tillotson, Esq.

2.

A check, made payable to the maker of the original check, and drawn in the amount of \$150.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Acting Chief Financial Officer

FO WAIVER TRACKING
CNTL# 6531

DAVID TILLOTSON
Attorney at Law

RECEIVED & INSPECTED
JAN 18 2006
FCC - MAILROOM

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January 9, 2006

Mr. Andrew Fischel
Managing Director
Federal Communications Commission
Washington, DC 20054

RROG-06-00006531

Re: Request for Refund of STA Fee Filing
Station KHIX, BSTA 20051230ACX

Dear Fischel:

I am writing on behalf of Ruby Radio Corp. to request a refund of the \$100 filing fee that it paid in connection with the above-referenced request for special temporary authority for Station KHIX to operate for up to 30 days without functioning EAS equipment.

The reason for this request is that the STA request was dismissed because the rules permit operation without functioning EAS equipment for up to 60 days and, therefore, the requested STA was unnecessary.

As the STA request was filed in the good faith, but mistaken belief, that an STA was needed and was dismissed without any "processing," it is respectfully requested that the filing fee for the STA request be refunded.

If you have any questions concerning this request, please call me.

Sincerely,



David Tillotson

*2 dg letter
Assigned to Martin
30 dg Fickler
MAD
1/23/06*