

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JUL 26 2006

FILE

OFFICE OF
MANAGING DIRECTOR

John Wells King, Esq.
Garvey Schubert Barer
Flour Mill Building
1000 Potomac Street, NW
Fifth Floor
Washington, D.C. 20007-3501

Re: BL Broadcasting, Inc.
Request for Waiver of Late Charge Penalty for FY 2005
Regulatory Fees
Fee Control Nos. 0603148340827006, 0603178340827008,
0603148340827005, 0603148340827010,
0602148340827007, 0603148340827009,
0603148340827004, 0603148340827003, and
0603148340827001

Dear Mr. King:

This is in response to your request dated March 30, 2006 (*Request*), for waiver of the penalty for late payment of the Fiscal Year (FY) 2005 regulatory fees, filed on behalf of BL Broadcasting, Inc. (BLB), licensee of Stations KLIZ, KLIZ-FM, KUAL-FM, KVBR, and WJJY-FM, all of Brainerd, Minnesota, and Stations KKWS(FM) and KWAD, both of Wadena, Minnesota, and Stations KBLB(FM) and KNSP, of Nisswa, Minnesota, and Staples, Minnesota, respectively (the Stations). Our records reflect that you have paid the FY 2005 regulatory fees, but not the \$312.50, \$231.25, \$281.25, \$137.50, \$192.50, \$312.50, \$118.75, \$312.50, and \$112.50 late charge penalties for Stations KLIZ, KLIZ-FM, KUAL-FM, KVBR, WJJY-FM, KKWS(FM), KWAD, KBLB(FM), and KNSP, respectively.¹ For the reasons stated herein, we deny your request.

You recite that BLB "timely tendered its Form 159 Remittance by letter of transmittal dated August 22, 2005, for payment by credit card."² You state that "[i]t was sent to the Commission's lockbox bank fee filing facility at Mellon Bank by UPS overnight, and

¹ Specifically, you have paid the \$693.75, \$937.50, \$843.75, \$ 412.50, \$1057.50, \$937.50, \$356.25, \$937.50, and \$337.50 regulatory fees for Stations KLIZ, KLIZ-FM, KUAL-FM, KVBR, WJJY-FM, KKWS(FM), KWAD, KBLB(FM), and KNSP, respectively.

² *Request* at 1.

received and signed for on August 23, 2006[.]”³ In support, you submit two UPS documents entitled “Track by Tracking Number” and “Shipment Receipt” indicating that a package was sent by UPS from your office to Mellon Bank on August 23, 2005.⁴ You assert that BLB “did everything within its power and control to pay its regulatory fee in a timely manner.”⁵ You maintain “that administrative error or oversight occurred on the other side of the fee cage” and that “the failure to timely process the licensee’s annual regulatory fee was due to . . . error [on the part of Mellon Bank, the Commission’s lockbox bank].”⁶ You state that “[i]t was not due to circumstances within the licensee’s control, nor was the credit card payment uncollectible.”⁷

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. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Although you assert that timely payment was made, Mellon Bank’s records reflect that the UPS package associated with the tracking number that you claim contained BLB’s FCC Form 159 and credit card payments for the FY 2005 regulatory fees for the stations in question in fact contained Form 159’s and check payments for three unrelated entities in amounts that do not correspond to the FY 2005 fees associated with Stations KLIZ, KLIZ-FM, KUAL-FM, KVBR, WJJY-FM, KKWS(FM), KWAD, KBLB(FM), and KNSP.⁸ Further, our records show that the Commission did not receive an FCC Form 159 or full payment of the FY 2005 regulatory fees for the Stations by September 7, 2005, the filing deadline. Because your request does not indicate or substantiate that BLB submitted the FY 2005 regulatory fees for the Stations by the deadline for filing regulatory fees, we deny your request for waiver of the late charge penalties.

³ *Id.*

⁴ See Letter from John Wells King, Esq. to Marvin Washington, Acting Chief, Office of the Managing Director, FCC, Attachments (Feb. 21, 2006). The UPS documents reflect that the UPS-assigned tracking number for the package was 1Z8V41410199237760.

⁵ *Request* at 1.

⁶ *Id.*

⁷ *Id.*

⁸ The package contained FCC Form 159’s and check payments associated with Conner Family Broadcasting, Inc. (licensee of Stations WRMS-FM and WLG803), Radio Plus of Fond du Lac (licensee of Stations WFDL-FM and WMF992), and Radio Plus, Inc. (licensee of Stations WFDL, WMDC, KK4433, and WPUU989). The checks were in the amount of \$460.00, \$1,560.00, and \$1,245.00.

John Wells King, Esq.

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Payment of the \$312.50, \$231.25, \$281.25, \$137.50, \$192.50, \$312.50, \$118.75, \$312.50, and \$112.50 late charge penalties for Stations KLIZ, KLIZ-FM, KUAL-FM, KVBR, WJJY-FM, KKWS(FM), KWAD, KBLB(FM), and KNXP, respectively, is now due. The late charge penalties should be submitted, together with a Form 159 (copy enclosed), within 30 days of the day of this letter. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Stephens", with a horizontal line extending to the right.

Mark Stephens
Acting Chief Financial Officer

Enclosure