



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

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<ftp.fcc.gov>

DA- 07-1579

Before the  
Federal Communications Commission  
Washington, D.C. 20554

## PUBLIC NOTICE

Released: April 3, 2007

### FEE DECISIONS OF THE MANAGING DIRECTOR AVAILABLE TO THE PUBLIC

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. A public notice of these fee decisions is published in the FCC record.

The decisions are placed in General Docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

**KM Television of Flagstaff, L.L.C. Station KCFG (TV)** – Request for waiver of FY 2006 regulatory fee. **Granted** (February 15, 2007) [*See* Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995)]

**Phoenix 6 TV, LLC Station KMOH (TV)** - Request for partial refund of FY 2006 regulatory fee. **Granted** (February 16, 2007) [*See* Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995)]

**Stop 26 Riverbend Licenses, LLC Stations WVKO (AM), WVKO (FM), WASN (AM), WGFT (AM) and WRBP (FM)** – Request for deferral and waiver of FY 2006 regulatory fee. **Granted** (February 15, 2007) [*See* Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995)]

**WaveCrest Communication, LLC** – Request for refund of application fees. **Granted** (February 15, 2007) [*See* 47 U.S.C. §158(d)(2); 47 C.F.R. §1.1117(a); Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 5 FCC Rcd 3558, 3572-73 (1990)]

**Station WWSJ, 1580 (AM)** - Request for waiver of FY 2006 late fee penalty. **Denied** (February 15, 2007) [*See* 47 U.S.C. §159(c)]

**Station WULM, Springfield, Ohio - Request for refund of FYs 2002 through 2006 regulatory fees.**  
**Granted** (February 16, 2007) [*See* 47 C.F.R. §1.1162(c)]

**NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE REVENUE AND RECEIVABLES OPERATIONS GROUP AT (202) 418-1995.**

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

February 16, 2007

Brad Lovett  
Program Director  
1600 WULM  
1529 Miracle Mile Road  
Springfield, OH 45503

Re: WULM, Springfield, Ohio  
Request for Refund of Regulatory Fees  
Fee Control No. 0609199365896085

Dear Mr. Lovett:

This responds to your November 29, 2006 Letter claiming exemption from annual regulatory fees for broadcast station WULM, Springfield, Ohio (WULM), and requesting a refund of regulatory fees paid through Fiscal Year (FY) 2006.<sup>1</sup> Our records indicate that you have paid regulatory fees for FYs 2002 through 2006, which total \$6,825. As we explain below, we approve your exemption claim and refund regulatory fees for FYs 2002 through 2006.

In your Letter, you state that WULM is owned and operated by Urban Light Ministries, a non-profit organization, and thus should be exempted from payment of regulatory fees.<sup>2</sup> You request a refund of all regulatory fees that WULM has paid for the radio station and all auxiliary broadcast services since FY 2001.<sup>3</sup> In support of your request, you attach a copy of a letter from the Internal Revenue Service, which indicates that Urban Light Ministries has been exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code since November 1996.<sup>4</sup> In a supplemental letter dated January 8, 2007, you state that Urban Light Ministries has owned WULM since April 2001. As noted above, our records indicate that Urban Light Ministries has paid regulatory fees beginning with FY 2002, not FY 2001. Thus, we consider your request for FYs 2002 through 2006.

The Commission's rules provide that entities that qualify as nonprofit, tax exempt organizations under Section 501 of the Internal Revenue Code are exempt from the requirement to pay regulatory fees. 47 C.F.R. § 1.1162(c). The showing that you have made establishes that WULM is not required to pay regulatory fees. Accordingly, we

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<sup>1</sup> Letter from Brad Lovett to Mark Stephens, Chief Financial Officer, FCC (dated November 29, 2006) (Letter).

<sup>2</sup> Letter at 1.

<sup>3</sup> Letter at 1. . Letter from Brad Lovett to Mark Stephens, Chief Financial Officer, FCC (dated Jan. 8, 2007).

<sup>4</sup> Letter at Attachment.

Brad Lovett, Program Director

2.

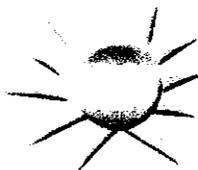
approve your request for exemption and refund the regulatory fees for FYs 2002 through 2006, which covers the period that WULM has been owned by Urban Light Ministries. A check in the amount of \$6,825, made payable to the original maker(s), will be issued to you at the earliest practicable time. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Stephens  
Chief Financial Officer

8/73  
0609199365896085



# 1600 WULM

**Springfield's Sunshine Station**

Mr. Mark Stephens  
Chief Financial Officer  
The Federal Communications Commission  
445 12<sup>th</sup> St.SW  
Washington DC 20054

November 29, 2006

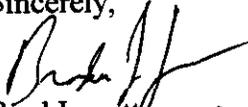
Dear Mr. Stephens,

I am writing on behalf of my employer, 1600 WULM in Springfield, OH. WULM is owned and operated by Urban Light Ministries, a non-profit organization. Since April 2001, WULM has paid regulatory fees for the radio station and all auxiliary broadcast services (2 Marti remote pickup units and a studio transmitter link).

We have come to find out that since the license holder of WULM is a non-profit organization, WULM should not have been assessed the regulatory fees that we have paid since Fiscal Year 2001.

WULM is requesting a full refund of all regulatory fees paid by us in the time that this facility has been owned and operated by Urban Light Ministries.

Sincerely,



Brad Lovett  
Program Director  
1600 WULM  
Springfield OH 45503  
(937) 390-1693

VC 0015107337  
VC 0007415714  
FRN # 0006335335  
Facility ID 55232

FACILITY ID: 55232

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

February 15, 2007

Jeffrey L. Timmons, P.C.  
3235 Satellite Blvd.  
Building 400, Suite 300  
Duluth, Georgia 30096-8688

Re: Station KCFG(TV), Flagstaff, AZ  
KM Television of Flagstaff, L.L.C.  
Request for Waiver of FY 2006 Regulatory Fees  
Fee Control Nos. RROG-06-00007819 and  
0609208835096001

Dear Mr. Timmons:

This is in response to your request filed September 19, 2006 (*Request*), on behalf of KM Television of Flagstaff, L.L.C. (KM Television), for a waiver of the fiscal year (FY) 2006 regulatory fee for Station KCFG(TV), Flagstaff, Arizona, based upon financial hardship. Our records reflect that KM Television has paid \$5,025.00 of the \$47,775.00 FY 2006 regulatory fee at issue here. For the reasons stated herein, we will waive the fee.<sup>1</sup>

In support of your request, you submit a copy of KM Television's unaudited "KM Television of Flagstaff, LLC. Statement of Revenue and Expenses – Tax Basis" (*Financial Statement*) for the 2005 calendar year. You recite that this statement "is the most recent full year for which financial statements are available for KM [Television.]"<sup>2</sup> You assert that due to a weak signal and relatively weak programming, Station KCFG(TV) has been unable to "realistically market or promote the station or sell advertising."<sup>3</sup> You aver that the station was able to continue operating "in 2005 only by loans . . . from KM's principal and 100 percent owner, Mrs. Myoung Hwa Bae (or other entities 100 percent owned by Mrs. Bae to KM [Television] during 2005 to cover its operating expenses."<sup>4</sup> You assert that KCFG(TV) "has not generated advertising or other

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<sup>1</sup> KM Television alternatively seeks a reduction of the \$47,775.00 fee for VHF stations such as KCFG(TV) in markets 11 through 25 to a \$5,025.00 fee for "remaining market" VHF stations. We do not address this argument given our finding that a waiver is warranted because payment of the regulatory fee would cause KM Television undue financial hardship.

<sup>2</sup> *Request* at 3.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*; see also Email from Jeff Timmons to Joanne Wall at 1 (Dec. 12, 2006) ("Mrs. Bae has been heavily subsidizing the operation of the station since it was put on the air, on the order of about \$150,000 in losses per year").

revenues since it went on the air in December 2000, except for about \$300 in "Other Income," . . . primarily from interest income[.]”<sup>5</sup> You state that the line item entitled "Payroll" on the *Financial Statement* includes salary paid to employees, including one manager "who is not an officer, director or shareholder of KM[.]”<sup>6</sup>

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship.”<sup>7</sup> In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, and considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public. Thus, even if a station loses money, any funds paid to principals, deductions for depreciation or similar items are considered funds available to pay the fees.

KM Television's "*Financial Statement*" indicates that KM Television had no revenues and suffered a financial loss in the 2005 calendar year of \$127,596.41, which was only partially offset by depreciation and compensation paid to one manager. Given that KM Television suffered a financial loss in the 2005 calendar year, we grant your request for a full waiver of the \$47,775.00 regulatory fee for FY 2006. Accordingly, we also grant KM Television a refund of the \$5,025.00 that KM Television paid in connection with the FY 2006 regulatory fee.

A check made payable to the maker of the original check and drawn in the amount of \$5,025.00, 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 A. Stephens  
Chief Financial Officer

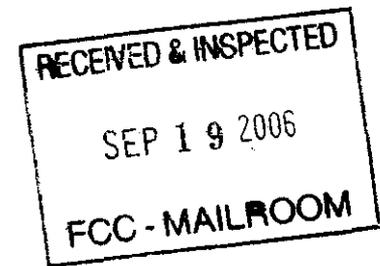
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<sup>5</sup> *Id.*

<sup>6</sup> See Email from Jeff Timmons to Joanne Wall at 1 (Dec. 13, 2006).

<sup>7</sup> See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995).

**JEFFREY L. TIMMONS, P.C.**  
3235 Satellite Boulevard, Building 400, Suite 300  
Duluth, Georgia 30096-8688  
Telephone: 770-291-2170  
Facsimile: 770-291-2171  
E-mail: jeff@timmonspc.com



September 18, 2006

VIA FEDERAL EXPRESS

Office of the Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 1-A625  
Washington, D.C. 20554  
Attn: Regulatory Fee Waiver/Reduction Request

RE: KM Television of Flagstaff, L.L.C.  
Television Station KCFG(TV), Flagstaff, Arizona

Dear FCC:

KM Television of Flagstaff, L.L.C. ("KM"), licensee of full power commercial television station KCFG(TV), Flagstaff, Arizona (Facility ID No. 35104, "KCFG"), by its counsel, and pursuant to the Commission's Regulatory Fees Fact Sheet, Waivers, Reductions and Deferments of Regulatory Fees (dated August 2006, the "Waiver Fact Sheet"), respectfully requests the waiver of, or in the alternative, a reduction in, the annual regulatory fee to be paid by KM for KCFG for fiscal year 2006. The Waiver Fact Sheet states that the Commission will consider the waiver or reduction of annual regulatory fees in extraordinary and compelling circumstances, upon a showing that such a waiver or reduction would serve the public interest. For the reasons stated herein, KM also respectfully requests that the Commission defer payment of the regulatory fee until the Commission acts upon this request for waiver; however, KM is timely paying (i.e., by September 19, 2006) the reduced regulatory fee of \$5,025.00 proposed herein.<sup>1</sup>

KM completed construction and first put KCFG on the air as a new full power commercial television station in December 2000. Since KCFG and Flagstaff are assigned to the Phoenix, Arizona Designated Market Area ("DMA"), which ranks as DMA No. 16, see 2003 Television Yearbook at 148 ("2003 Yearbook"), the regulatory fee for KCFG for 2005 normally would be \$47,775. See Regulatory Fees Fact Sheet, What You Owe - Media Services Licensees for FY 2006 at 3 (\$47,775 regulatory fee for commercial VHF stations in DMA markets 11-25) (the "Media Services Fact Sheet").

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<sup>1</sup> KM filed similar requests for waiver or reduction of the annual regulatory fees due for KCFG for Fiscal Years 2002, 2003, 2004 and 2005, all of which have been granted.

Assessing KCFG with the \$47,775 annual regulatory fee due for a DMA 11-25 station does not reflect the realities of KCFG's service area, market and economic situation, and therefore the regulatory fees should be reduced for fiscal year 2006, if not waived completely. KCFG currently is licensed and operates with only 1 kilowatt effective radiated power ("ERP") due to a power restriction at its antenna site, and as a result KCFG is predicted to serve a population of only 74,677 persons (1990 U.S. Census) within its predicted Grade B contour,<sup>2</sup> which is only a small fraction (about 2%) as compared to the 1,524,000 households in the Phoenix DMA. See 2003 Yearbook at 148. Flagstaff itself has a current (2000 U.S. Census) population of only 52,894 persons, as compared to the 1,321,045 person population of Phoenix (the principal community in the Phoenix DMA, and where the vast majority of the population in the DMA resides).

Since Flagstaff is more than 130 miles from Phoenix, with mountain terrain between the two communities, KCFG can not expect to serve Phoenix with an off-the-air signal. Nor would KM likely be successful in reaching Phoenix-area viewers by gaining mandatory carriage (or "must carry") of KCFG on Phoenix-area cable television systems; the Commission has typically found in favor of Phoenix cable television systems seeking to delete Flagstaff stations from their mandatory carriage obligations under market modification requests.<sup>3</sup> Accordingly, since KCFG does not serve, and indeed is unable to serve or expect to serve, Phoenix or much of the Phoenix DMA, the annual regulatory fee for KCFG should be reduced, if not waived. Specifically, KM proposes that the annual regulatory fee be reduced to the \$5,025 due from commercial VHF stations in "Remaining Markets" (i.e., DMA markets ranked below the top 100 DMAs), see Media Services Fact Sheet at 3, which more accurately reflects the current and potential service area, or "market", of KCFG.

Assessing KCFG the \$47,775 fee due from Phoenix DMA No. 16 stations would ignore the facts and market realities faced by KM and KCFG, and would harm the service that may be offered by KCFG, and would also impose a financial hardship on KM; therefore, not only should the regulatory fee for KCFG be reduced to \$5,025 (or waived entirely), KM should also be granted a deferment from paying the full \$47,775 that otherwise would be due from a commercial VHF station in DMA 11-25 pending the outcome of this reduction or waiver request.

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<sup>2</sup> See File No. BPCT-19950317KN at Section V-C - TV Broadcast Engineering Data, Question 17 (as amended February 2, 1996, the current Form 301 engineering for the station's licensed parameters).

<sup>3</sup> See, e.g., CoxCom, Inc., File No. CSR-5887-A, Memorandum Opinion and Order, DA 02-2295 (released September 18, 2002). In CoxCom, the Commission granted a cable television operator's request to delete Phoenix and 28 other Phoenix-area communities from the definition of the "market" within which full power television station KFPH(TV), Flagstaff, Arizona is entitled to must carry rights. Id. The Commission relied primarily on the distance between Flagstaff and Phoenix, as well as KFPH(TV)'s lack of Grade B or better signal coverage over Phoenix and the other communities, as the basis for finding that KFPH(TV) did not serve Phoenix for purposes of the definition of its local market for must carry purposes. Id. KM notes that KFPH(TV) is licensed to operate on Channel 13 with the maximum 316 kilowatts ERP, see 2001 Factbook at A-63, and therefore would have a much greater service area even than KCFG(TV).

Attached hereto as Exhibit A are an unaudited Statement of Revenues and Expenses (or "profit and loss" statement, the "P&L") for KM for calendar year 2005 (which is also KM's fiscal year, and is the most recent full year for which financial statements are available for KM) and a Statement of Assets, Liabilities and Equity (or "Balance Sheet") as of December 31, 2005 for KM, certified as accurate by an officer of KM. The P&L reflects that KM suffered a loss of \$127,596.41 on KCFG in 2005, with almost no income or revenues generated by the station. The poor financial condition of KM and KCFG reflects that the station is a new station that just commenced broadcasting in December 2000; was able to secure and commence broadcasting the America One Network programming (which as a fringe network has yet to generate any advertising revenue for the station) in January 2002; and due to the currently weak signal of KCFG (1 kilowatt ERP, due to the transmitter site limitation) and relatively weak programming, the station has not been able to realistically market or promote the station or sell advertising. KM was able to continue to operate KCFG in 2005 only by loans totaling \$158,523.13 (net) from KM's principal and 100% owner, Mrs. Myoung Hwa Bae (or other entities 100% owned by Mrs. Bae) to KM during 2005 to cover its operating expenses.<sup>4</sup> No net payments have been made by KM or KCFG to Mrs. Bae or to any other principal or owner of KM or KCFG, since the station was constructed and has been operating.

KM's financial hardship with KCFG has been further exacerbated by KM's expenditure of over \$100,000 (see File No. BEPCDT-20020430ABI) in the spring of 2002 to construct and implement digital television ("DTV") facilities for KCFG (under special temporary authority, see File Nos. BDSTA-20020422ABC, as extended by BEPCDT-20020430ABI) to meet the May 1, 2002 deadline for commercial stations to have their DTV signals on the air. KM also expects to expend considerable funds, approximately \$600,000, building out its full DTV facilities by December 31, 2006, as documented in a pending application for extension of time to construct its DTV facilities (File No. BEPCDT-20060428ADM).

In short, KM's current financial hardship in operating KCFG, as well as the implementation of its planned service improvements for both its analog and DTV facilities, would make it unduly burdensome for KM to pay the \$47,775 regulatory fee that would be due from a Phoenix DMA station, in addition to the inequities that arise from KCFG and Flagstaff -- which essentially are a small market station in a small market -- happening to fall in the Phoenix DMA, DMA No. 16. Even payment of the \$47,775 and awaiting a refund later would impose a severe financial hardship on KCFG, and would reduce service to the community by severely hampering KM's ability to implement its conversion to DTV.

Accordingly, for the reasons stated herein, KM respectfully requests that the Commission reduce the annual regulatory fee due from KM for KCFG for fiscal year 2006 from \$47,775 to \$5,025 (or waive the fee entirely). KM also requests that the Commission defer the deadline by

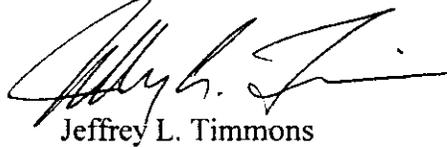
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<sup>4</sup> The attached Balance Sheet as of December 31, 2005 reflects the total amount of the "Loan from Mrs. Bae", "Loans from [KMLPTV of] Chicago-13[, L.L.C.]", "Loans from [KMLPTV of] Chicago-28[, L.L.C.]" and "Due to KM Communications[, Inc.]" - - the latter three entities being entities 100% owned by Mrs. Bae, as being \$720,166.47 (net), which is \$158,523.13 more in net loans than the \$561,643.34 reflected as "Loan from Mrs. Bae" on the balance sheet as of December 31, 2004, a copy of which was attached to the 2005 waiver request.

which KM must pay such annual regulatory fee, based on the financial hardship and reduction of service factors demonstrated herein; however, KM is timely paying its proposed reduced fee of \$5,025 by the September 19, 2006 payment deadline.

Please date-stamp the enclosed additional "FILE" copy of this filing and return it the undersigned in the enclosed self-addressed stamped envelope. Any questions regarding this filing and the requests made herein may be directed to the undersigned counsel for KM.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey L. Timmons", written in a cursive style.

Jeffrey L. Timmons

Attachment

cc: Mrs. Myoung Hwa Bae

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

February 16, 2007

Paul J. Feldman, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, VA 22209

Re: Station KMOH-TV, Kingman, AZ  
Phoenix 6 TV, LLC  
Fiscal Year 2006 Regulatory Fee  
Fee Control No. 0609159365894548

Dear Mr. Feldman:

This is in response to your request filed October 30, 2006 (*Request*), on behalf of Phoenix 6 TV, LLC (Phoenix 6), licensee of Station KMOH-TV, for a partial refund of the \$47,775.00 fiscal year (FY) 2006 regulatory fee. Our records reflect that Phoenix 6 paid a FY 2006 regulatory fee of \$47,775.00. For the reasons stated herein, we grant your request.

You assert that the regulatory fee for commercial VHF Station KMOH-TV, which is included in the Phoenix, Arizona Designated Market Area (DMA) (the 14<sup>th</sup> largest DMA in the nation), should be reduced from \$47,775.00 to \$5,025.00, which is the regulatory fee for stations located in market numbers 101 and higher (*i.e.*, "remaining market" stations).<sup>1</sup> In support, you cite a 1996 letter from the Office of Managing Director (OMD) assessing Station KMOH-TV a FY 1995 regulatory fee comparable to that of a VHF station in the remaining market category and stating that "[a]bsent significant changes in population or coverage area, KMOH-TV will be considered as a remaining market station in succeeding years."<sup>2</sup>

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<sup>1</sup> See *Request* at 1; see also 47 C.F.R. §1.1153; *Television & Cable Factbook 2006*, Stations Vol. 1, No. 74, A-1 (2006 ed.) (2006 *Factbook*).

<sup>2</sup> See Letter from Marilyn J. McDermott, Associate Managing Director for Operations, OMD, FCC, to Thomas J. Hutton, Esq. at 1 (Feb. 14, 1996) (1996 *Letter Decision*) (stating that although the station is within the Phoenix, Arizona, market (*i.e.*, within the 11<sup>th</sup> through 25<sup>th</sup> market category), Station KMOH-TV's "predicted Grade B contour does not reach Phoenix . . . [and its] service area encompasses 37,900 television households, which are fewer than the number of television households served by a television station located in a top 100 market" (*citing* *Television and Cable Factbook*, Vol. 62, A-63 (1994))).

In a subsequent communication, you claim that there have been no significant changes in Station KMOH-TV's population or coverage area since the *1996 Letter Decision*.<sup>3</sup> You aver that Station KMOH-TV is located approximately 191 miles from Phoenix, that its "tower is located at a remote site in the Black Mountains, 1.6 kilometers northeast of Oatman, Arizona, . . . [that the station] is far removed from the Phoenix Metro market . . . [, and that it] does not serve Phoenix."<sup>4</sup> Citing the signal coverage map for Station KMOH-TV in the *Television & Cable Factbook 2007*, you assert that Station KMOH-TV's Grade B contour does not reach Phoenix and that "[t]he overall population covered by KMOH-TV's service area is . . . substantially less [than] that of a Phoenix station."<sup>5</sup> Noting the absence of published Nielsen data reflecting the number of television households served by Station KMOH-TV, you aver that a Commission Public Notice indicates that the station's "Grade B contour reaches only 169,528 potential viewers[, a number] . . . significantly less than that of a Phoenix station such as KAET, which serves 3,231,529 potential viewers within a service area that is actually less than KMOH's predicated service area[.]"<sup>6</sup>

The Commission has set standards for determining whether the regulatory fees for a television station may be reduced below the fees assessed for stations in the relevant DMA.<sup>7</sup> The Commission will reduce fees for television stations having certain characteristics.<sup>8</sup> Such a station must be located outside the metropolitan area of the principal city in the assigned DMA and may not provide a Grade B signal to a substantial portion of the assigned market's metropolitan area.<sup>9</sup> Stations that meet these criteria and

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<sup>3</sup> See Email from Lee Petro to Joanne Wall at para. 7 (Dec. 7, 2006) (*December 7 Email*).

<sup>4</sup> See *December 7 Email* at para. 4 (citing *CoxCom, Inc. d/b/a Cox Communications Phoenix*, 20 FCC Rcd 13474 (Media Bur. 2005) (modifying the Phoenix, Arizona, DMA to exclude 29 CoxCom, Inc. d/b/a Cox Communications Phoenix's communities from the television market of KMOH(TV), Kingman, Arizona, for purposes of the Commission's cable television mandatory broadcast signal carriage rules based upon, *inter alia*, the station's lack of coverage or local service).

<sup>5</sup> *Id.* at para. 5. We note that the *2006 Factbook* also indicates that the station's Grade B contour does not reach Phoenix. See *2006 Factbook* at A-111.

<sup>6</sup> *Id.* at para. 6 (citing *Public Notice, DTV Channel Election Information and First Round Election Filing Deadline*, 19 FCC Rcd 24141 (2004) (*2004 Public Notice*) (indicating a population coverage of 169,528 viewers of analog television)).

<sup>7</sup> *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12763 (1995).

<sup>8</sup> *Id.*

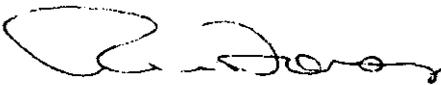
<sup>9</sup> *Id.*

request fee reductions will be assessed regulatory fees based on the number of households they serve; stations that serve fewer television households than are in the top 100<sup>th</sup> market will be assessed the regulatory fee for remaining market stations.<sup>10</sup>

We find that because Station KMOH-TV is located outside the metropolitan area of the principal city in its assigned DMA and does not provide a Grade B signal to a substantial portion of its market's metropolitan area, the station has met the Commission's standards, as set forth above, for reduction of KMOH-TV's regulatory fee for FY 2006. In the absence of Nielsen data reflecting the number of television households covered by Station KMOH-TV, we note that the current BIA database shows that the station's Grade B contour covers a population of approximately 174,000, which is approximately equivalent to the population coverage derived from the *2004 Public Notice*.<sup>11</sup> Assuming at least one person per household, we conclude that KMOH-TV thus serves fewer households than a station in the top 100<sup>th</sup> market.<sup>12</sup> We therefore find that it is appropriate that Station KMOH-TV be treated as comparable to a VHF commercial station in the remaining markets and be subject to a \$5,025.00 regulatory fee for FY 2006. We therefore grant Station KMOH-TV a refund of the FY 2006 regulatory fee in the amount of \$42,750.00.

A check made payable to the maker of the original check and drawn in the amount of \$42,750.00 will be provided at the earliest practicable time. If you have any questions concerning this letter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Stephens  
Chief Financial Officer

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<sup>10</sup> *Id.*

<sup>11</sup> See BIA Financial Network, MPro database.

<sup>12</sup> Stations in market number 100 cover 288,800 television households. See *2006 Factbook* at A-4.

ANN BAVENDER\*  
SIMA N. CHOWDHURY\*  
HARRY F. COLE  
ANNE GOODWIN CRUMP  
VINCENT J. CURTIS, JR.  
JOSEPH M. DI SCIPIO\*  
PAUL J. FELDMAN  
JEFFREY J. GEE  
KEVIN M. GOLDBERG\*  
FRANK R. JAZZO  
M. SCOTT JOHNSON  
MITCHELL LAZARUS  
STEPHEN T. LOVELADY\*  
SUSAN A. MARSHALL  
HARRY C. MARTIN  
FRANCISCO R. MONTERO  
LEE G. PETRO\*  
RAYMOND J. QUIANZON  
MICHAEL W. RICHARDS\*  
JAMES P. RILEY  
KATHLEEN VICTORY  
HOWARD M. WEISS

\* NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22209

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www.fhhlaw.com

NO WATER MARK  
CN-1# 8137

RETIRED MEMBERS  
RICHARD HILDRETH  
GEORGE PETRUTSAS

CONSULTANT FOR INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS  
SHELDON J. KRYS  
U. S. AMBASSADOR (ret.)

OF COUNSEL  
DONALD J. EVANS  
EDWARD S. O'NEILL\*  
ROBERT M. GURSS\*  
EUGENE M. LAWSON, JR.

WRITER'S DIRECT

feldman@fhhlaw.com  
703-812-0403

October 30, 2006

RECEIVED - FCC

OCT 30 2006

Federal Communication Commission  
Bureau / Office

**By Hand Delivery**

Anthony J. Dale, Managing Director  
Office of Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

**RE: Request for Partial Refund of 2006 Regulatory Fee  
Station KMOH-TV, Kingman, Arizona – Facility Id. 24753  
Licensee – Phoenix 6 TV, LLC -- FRN: 0011532553  
Payor – Bela Broadcasting, LLC -- FRN: 0009769779  
Voucher # E001041251**

Dear Mr. Dale:

Phoenix 6 TV, LLC, the licensee of Station KMOH-TV, Kingman, Arizona (Facility Id. 24753) (the "Station"), by and through its attorneys, and pursuant to Section 1.1160(a)(1) of the Commission's rules, hereby submits this Request for the Partial Refund of its 2006 Regulatory Fees. As detailed herein, the licensee paid the full regulatory fee for a Commercial VHF Station operating in a DMA ranked between 11-25, whereas it was eligible to pay the regulatory fee due to commercial televisions stations operating in the "Remaining Markets."

Specifically, the Station operates in the Phoenix, Arizona DMA, which was ranked by the 2006 TV and Cable Factbook, Volume 1, as the 14<sup>th</sup> largest DMA. As such, it submitted a timely payment of \$47,775 to the Commission for the Station's regulatory fee (see Exhibit A). However, undersigned counsel was unaware of a Letter from the Office of the Managing Director, dated February 14, 1996 (see Exhibit B), whereby the Commission granted a request for the reduction of the Station's regulatory fee based on the Station's inability to provide a signal to and to serve the principal community of the DMA, Phoenix, Arizona. The Letter further states that this determination can be used in "succeeding years."

FLETCHER, HEALD & HILDRETH, P.L.C.

Anthony Dale, Esquire  
October 30, 2006  
Page 2

Therefore, Phoenix 6 TV, LLC, respectfully requests a partial refund in the amount of \$42,750 (\$47,775- the \$5,025 due from stations in "Remaining Markets") of its 2006 Regulatory Fees. As noted above, the Facility ID for the station is 24753, and the licensee's FRN is 0011532553. Please note that the payor of the regulatory fees was a related entity, Bela Broadcasting, LLC, whose FRN is 0009769779. The Voucher Number on the payment was E001041251. The refund should be sent to:

Bela Broadcasting, LLC  
Attn: Robert Behar  
14450 Commerce Way  
Miami Lakes, FL 33016

Should there be any questions regarding this matter, please contact undersigned counsel.  
Thank you.

Sincerely,



Paul J. Feldman  
Counsel for Phoenix 6 TV, LLC

PJF:jpg

Enclosures

cc: Mr. Robert Behar

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

February 15, 2007

Joseph M. DiScipio, Esq.  
Michael W. Richards, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, VA 22209

Re: Stop 26 Riverbend Licenses, LLC,  
Debtor-in-Possession  
FY 2006 Regulatory Fees  
Fee Control No. 0011407137

Dear Counsel:

This letter responds to your request dated November 14, 2006 (*Request*) submitted on behalf of Stop 26 Riverbend Licenses, LLC, Debtor-in-Possession (Stop 26), licensee of Stations WVKO(AM), WVKO-FM, WASN(AM), WGFT(AM), WRBP(FM),<sup>1</sup> and related auxiliary stations, for a deferral and waiver of the \$10,937.50 fiscal year (FY) 2006 regulatory fees. Our records reflect that Stop 26 has not paid the FY 2006 regulatory fees. For the reasons stated herein, we grant your request.

In your request, you recite that in July 2005, Stop 26 filed a voluntary petition for Chapter 11 bankruptcy reorganization in the United States Bankruptcy Court in Ohio (Bankruptcy Court).<sup>2</sup> You state that the Bankruptcy Court "appointed a Chief Restructuring Officer in August 2005 . . . {and that a]n application is now pending for Stop 26 to assign its licenses . . . to the successful bidder in a bankruptcy-related auction[.]"<sup>3</sup> You submit a copy of the petition for bankruptcy and a copy of the joint stipulation appointing a chief restructuring officer that were filed with the Bankruptcy Court. In a subsequent email, you state that Stop 26 was in bankruptcy at the time the FY 2006 regulatory fees were due.<sup>4</sup>

---

<sup>1</sup> Stations WVKO(AM), WVKO-FM, WASN(AM), WGFT(AM), and WRBP(FM) are located in Columbus, Johnstown, Youngstown, Campbell, and Hubbard, Ohio, respectively.

<sup>2</sup> *Request* at 1.

<sup>3</sup> *Id.*

<sup>4</sup> See Email from Michael Richards to Joanne Wall (Jan. 8, 2006).

The Commission has determined that it will waive regulatory fees for licensees who are bankrupt or are in receivership at the time the fees are due.<sup>5</sup> Based upon the evidence that you provide that Stop 26 has been in bankruptcy since July 2005, we grant your request for waiver of the regulatory fees for FY 2006.<sup>6</sup>

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Stephens  
Chief Financial Officer

---

<sup>5</sup> See *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995).

<sup>6</sup> By this letter, we also grant your request for a deferral of payment while the waiver request is pending.

ORIGINAL

FLETCHER, HEALD & HILDRETH, P.L.C.

ATTORNEYS AT LAW

11th FLOOR, 1300 NORTH 17th STREET

ARLINGTON, VIRGINIA 22202

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November 14, 2006

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WRITER'S DIRECT  
(703) 812-0456

richards@fhhlaw.com

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FNN # 0011407137

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FILED/ACCEPTED

NOV 14 2006

Federal Communications Commission  
Office of the Secretary

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ANN BAVENDER\*  
SIMA N. CHOWDHURY\*  
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MICHAEL W. RICHARDS\*  
JAMES P. RILEY  
KATHLEEN VICTORY  
HOWARD M. WEISS

\*NOT ADMITTED IN VIRGINIA

**BY HAND**

Marlene Dortch, Esq.  
Secretary, Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

For Transmission to the Office of the Managing Director

Re: **REQUEST FOR WAIVER AND/OR DEFERMENT OF  
FY2006 REGULATORY FEES AND LATE PENALTIES**  
**Stop 26 Riverbend Licenses, LLC, Debtor-in-Possession**  
**WVKO(AM), Columbus, OH (Fac ID No. 22341)**  
**WVKO-FM, Johnstown, OH (Fac ID No. 58633)**  
**WASN(AM), Youngstown, OH (Fac ID No. 72100)**  
**WGFT(AM) Campbell, OH (Fac ID No. 74164)**  
**WRBP(FM), Hubbard, OH (Fac ID No. 58633)**

Dear Ms. Dortch:

Stop 26 Riverbend Licenses, LLC, Debtor-in-Possession ("Stop 26"), the licensee of the above-referenced stations (and related auxiliaries), hereby requests that the Commission waive and/or defer all FY 2006 regulatory fees and any late penalties that have been imposed as a result of non-payment. The amount due for these five stations is \$10,937.50. These regulatory fees were due on September 19, 2006.

Stop 26's request is made pursuant to 47 C.F.R. § 1.1166. Under this rule, the Commission has stated that the financial hardships created by bankruptcy create a public interest in the waiver and/or deferment of the type of fees and levies at issue here. *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12761-62 at paras. 13-14 (1995). See also Letter from Mark Stephens, Acting Chief Financial Officers to Dawn M. Sciarrino, Esq., counsel to On Top Communications of Mississippi, LLC (dated May 31, 2006).

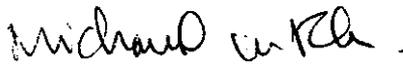
Stop 26 filed its bankruptcy petition with the United States Bankruptcy Court for the Southern District of Ohio in July 2005 (a copy is attached at Exh. A.). This same court appointed a Chief

Restructuring Officer in August 2005 (a copy is attached at Exh. B).

An application is now pending for Stop 26 to assign its licenses (the "Assignment") to the successful bidder in a bankruptcy-related auction (*see* FCC File No. BAL-20060301ACU). Until such time as this proposed sale is approved by the Commission and consummated by the parties, Stop 26 will continue to qualify for a waiver and/or deferment of regulatory fees and any late charges related thereto, due to the financial hardships created by its ongoing bankruptcy.

Therefore, Stop 26 hereby requests that the Commission grant the waiver and/or deferment requested for the outstanding regulatory fee balance that was due on September 19, 2006, and related late charges, as well as any additional regulatory fees or related levies that should arise until approval and consummation of the Assignment.

Respectfully submitted,



---

Joseph M. DiScipio  
Michael W. Richards  
*Counsel for Stop 26 Riverbend Licenses, LLC,  
Debtor-in-Possession*

Attachments

2006 SEP 20 10 21

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

February 15, 2007

Francis E. Fletcher, Jr.  
Squire, Sanders & Dempsey L.L.P.  
1201 Pennsylvania Ave., N.W.  
Post Office Box 407  
Washington, D.C. 20044-0407

Re: WaveCrest Communications, LLC  
Request for Refund of Application Filing Fees  
Fee Control Nos. 0601238115882608 and  
0601238115882614

Dear Mr. Fletcher:

This letter responds to your request dated February 2, 2006 (*Request*), submitted on behalf of WaveCrest Communications, LLC (WaveCrest) for a refund of the application fees associated with an application to transfer control of an authorization to provide international telecommunications services under section 214 of the Communications Act of 1934, as amended,<sup>1</sup> and an application for special temporary authority (STA). Our records reflect that you paid the \$895.00 filing fee for each application. Accordingly, you request a refund of \$1,790.00. For the reasons set forth below, we grant your request.

You recite that on January 23, 2006, WaveCrest filed via the International Bureau Filing System (IBFS) a section 214 transfer of control application and an STA application, along with an \$895.00 filing fee for each application.<sup>2</sup> In a subsequent communication, you state and our records confirm that WaveCrest's transfer of control application "requested '*nunc pro tunc*' approval of a transfer that had occurred some years earlier."<sup>3</sup> You assert that shortly after filing the applications, International Bureau (Bureau) staff advised WaveCrest that the Bureau "no longer approves . . . [section 214 transfer of control applications] retroactively"<sup>4</sup> and that WaveCrest would have to withdraw the

<sup>1</sup> 47 U.S.C. §214.

<sup>2</sup> *Request* at 1.

<sup>3</sup> See Email from Francis E. Fletcher to Joanne Wall (Dec. 18, 2006) (*December 18 Email*).

<sup>4</sup> *December 18 Email*. In a Public Notice issued on January 20, 2001, the Bureau announced that "it will be extremely reluctant to grant requests for *nunc pro tunc* approval of belatedly filed applications [and that] . . . such requests will be considered

applications and refile them without the *nunc pro tunc* approval request in the transfer of control application “because applications cannot be amended on IBFS[.]”<sup>5</sup> You state that on January 27, 2006, WaveCrest withdrew the transfer of control and STA applications and, on January 30, 2006, filed revised applications along with the associated fee of \$895.00 for each application. You aver that “WaveCrest was unable to amend its applications via IBFS and had no choice but to withdraw and then re-file them” and that the company withdrew the applications “only four days after they were filed, before they were given substantive consideration or underwent processing by the Commission staff.”<sup>6</sup>

---

The Commission has discretion to waive filing fees upon a showing of good cause and a finding that the public interest will be served thereby.<sup>7</sup> We construe our waiver authority under section 8 of the Communications Act, 47 U.S.C. §158(d)(2), narrowly and will grant waivers on a case-by-case basis to specific applicants upon a showing of “extraordinary and compelling circumstances.”<sup>8</sup>

In view of the circumstances recited above, including the facts that WaveCrest withdrew the initial transfer of control and STA applications only four days after filing them and filed revised versions of the applications along with additional filing fees of \$895.00 for each application, we find that the fees paid with the original applications totaling \$1,790.00 were effectively an “overpayment” under section 1.1113 of the Commission’s rules, 47 C.F.R. §1.1113.<sup>9</sup> We therefore conclude that a refund of the original application filing fees is appropriate.<sup>10</sup> We therefore grant your request for a refund of the \$1,790.00 filing fees associated with the January 23, 2006 applications.

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only in extraordinary circumstances.” See *Public Notice*, 16 FCC Rcd 3858, para. 7 (International Bur. and Enforcement Bur. 2001) (*Public Notice*), 66 FR 8972-02 (2001), *Erratum*, 16 FCC Rcd 10552, 66 FR 9849-01 (2001).

<sup>5</sup> *Request* at 1; see also *December 18 Email*.

<sup>6</sup> *Request* at 1.

<sup>7</sup> See 47 U.S.C. §158(d)(2); 47 C.F.R. §1.1117(a); *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 5 FCC Rcd 3558, 3572-73 (1990).

<sup>8</sup> See *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 2 FCC Rcd 947, 958 (1987); *Sirius Satellite Radio, Inc.*, 18 FCC Rcd 12551 (2003).

<sup>9</sup> 47 C.F.R. §1.1113

<sup>10</sup> See 47 C.F.R. §§1.1108 and 1.1113(a).

Francis E. Fletcher, Jr., Esq.

3.

A check, made payable to the maker of the original check, and drawn in the amount of \$1,790.00, 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 A. Stephens  
Chief Financial Officer

**SQUIRE SANDERS** LEGAL COUNSEL WORLDWIDE

FO WAIVER TRACKING  
CNTL# 0989

SQUIRE, SANDERS & DEMPSEY L.L.P.

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fletcher@ssd.com

February 2, 2006

Andrew S. Fishel  
Managing Director  
Federal Communications Commission  
445 12th Street, SW  
Room 1-A625  
Washington, DC 20554

*2 dg*  
*Assign to Madia*  
*30 dg fletcher*  
*ML*  
*2/14/06*

**Re: WaveCrest Communications LLC: Request for Refund of Filing Fees**

Dear Mr. Fishel:

WaveCrest Communications, LLC, ("WaveCrest"), a holder of an international 214 authorization, by its counsel, seeks a refund of \$1790 associated with two applications. On January 23, 2006, WaveCrest filed applications for special temporary authority and transfer of control regarding its 214 authorization. Both filings were made electronically through the International Bureau's IBFS database. WaveCrest paid the required filing fee of \$895 for each application, or \$1790, by credit card. Copies of the Form 159s evidencing payment are attached.

Shortly thereafter, WaveCrest was informed by a staff member of the International Bureau of a required revision to the application and, because applications cannot be amended on IBFS, the two applications would need to be withdrawn and re-filed as new, revised applications. On January 27, 2006, WaveCrest withdrew the two applications. Copies of the withdrawal acknowledgements are also attached. The revised applications were filed on January 30, 2006. WaveCrest also paid again the required filing fees of \$895 for each re-filed application.

WaveCrest respectfully requests a refund in the amount of \$1790 for the two withdrawn applications. Payment may be made by check on behalf of WaveCrest Communications, LLC and sent to the company's offices at 954 W. Washington Boulevard, Suite 30, Chicago, IL and directed to the attention of Roy L. Schiele, President of WaveCrest. To the extent it may be necessary, WaveCrest requests a waiver of Section 1.1113 of the rules to allow for the refund. As noted earlier, WaveCrest was unable to amend its applications via IBFS and had no choice but to withdraw and then re-file them. Moreover, the applications were withdrawn only four days after they were filed, before they were given substantive consideration or underwent processing by the Commission's staff.

Andrew S. Fishel  
February 2, 2006  
Page 2

Do not hesitate to contact me if there are any questions regarding this request or further information is needed. I thank you in advance for your assistance.

Sincerely,



Francis E. Fletcher, Jr.

Attachments

cc: Roy L. Schiele, WaveCrest Communications LLC

FO WAIVER TRACKING  
CNTL# 6989

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

February 15, 2007

Mr. Larry Harp  
Post Office Box 451  
St. Johns, MI 48879

Re: Station WWSJ, 1580 (AM)  
FY 2006 Regulatory Fee  
Fee Control No. 0609268835173001

Dear Mr. Harp:

This letter responds to your request dated November 13, 2006 (*Request*), submitted on behalf of Station WWSJ, 1580(AM), for a waiver of the penalty for late payment of the fiscal year (FY) 2006 regulatory fee. Our records reflect that you have paid the FY 2006 regulatory fee of \$725.00,<sup>1</sup> but not the associated late charge penalty of \$181.25.

You assert that the late charge "penalty [should] be waived due to financial hardship . . . . [because WWSJ is] a small daytime station (no arbitration (*sic*) ratings) with an urban gospel talk format."<sup>2</sup> You claim that "[t]he revenue earned from preaching ministries barely covers the cost of operating the station."<sup>3</sup>

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.<sup>4</sup> 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. Your request does not indicate or substantiate that Station WWSJ met this obligation for FY 2006. We therefore deny your request for a waiver of the late charge penalty for FY 2006.<sup>5</sup>

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<sup>1</sup> You do not request a waiver of the FY 2006 regulatory fee.

<sup>2</sup> *Request* at 1.

<sup>3</sup> *Id.*

<sup>4</sup> See 47 U.S.C. §159(c).

<sup>5</sup> We note that even though the Commission will waive its regulatory fees in those instances where a petitioner presents a compelling case of financial hardship, you do not request a waiver of the FY 2006 regulatory fee. Moreover, you submit no documentation that would support a waiver of the FY 2006 regulatory fee on the basis of financial hardship. See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *on recon*, 10 FCC Rcd 12759 (1995).

Mr. Larry Harp

2.

Payment of the \$181.25 FY 2006 late charge penalty is now due. The FY 2006 late charge penalty should be filed with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Stephens". The signature is fluid and cursive, with a large initial "M" and "S".

Mark A. Stephens  
Chief Financial Officer

Enclosure

WWSJ  
1580 AM

FCC/MELLON

NOV 13 2006

PO Box 451 St Johns, MI 48879 ph(989) 2247911 Fax (989) 224-4683

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8171  
0609268835173001

September 21, 2006

FCC Regulatory Fees

P.O. Box 358835

Pittsburgh, PA 15251 - 5835

To whom it may concern:

We are requesting that the 25% penalty be waived due to financial hardship. We are a small daytime station (no arbitration ratings) with an urban gospel talk format. The revenue earned from preaching ministries barely covers the cost of operating the station. Enclosed is the \$725.00 check for our annual regulatory fee. We appreciate your consideration in this matter.

Sincerely,



Larry Harp

WWSJ Radio

---

Working Winning Souls for Jesus

St. Johns 12:32