PUBLIC NOTICE

Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

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Internet: http://www.fcc.gov
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DA- 07-1275

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

PUBLIC NOTICE

Released: March 13, 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:

Chaparral Broadcasting, Inc. KLZY (FM) – Request for waiver of late fee payment penalty. **Denied** (January 31, 2007) [*See* 47 U.S.C. § 158(c)(1)]

David Ryder WMEL (AM) - Request for waiver and deferment of 2006 regulatory fee. **Granted** (January 3, 2007) [*See* Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995)]

GTC Telecom - Request for waiver of 2006 regulatory fee. **Granted** (January 23, 2007) [*See* Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995)]

Morningstar Media Company, LLC. Station K276EZ - Request for refund of FY 2006 regulatory fee. **Granted** (January 3, 2007) [*See* Assessment and Collection of Regulatory Fees for Fiscal Year 2006, 21 FCC Rcd 8092, ¶ 50 (2006)]

Ralph Fytton Station W40BU - Request for refund of FY 2006 regulatory fee. **Granted** (January 3, 2007) [*See* Assessment and Collection of Regulatory Fees for Fiscal Year 2006, 21 FCC Rcd 8092, ¶ 50 (2006)]

Roger Mills Station K66GD - Request for refund of FY 2006 regulatory fee. **Granted** (January 3, 2007) [*See* Assessment and Collection of Regulatory Fees for Fiscal Year 2006, 21 FCC Rcd 8092, ¶ 50 (2006)]

Stereo 97, Inc. KAVV (FM) – Request for waiver of late fee payment penalty. **Granted** (January 23, 2007 [*See* Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995)]

Village Broadcasting Corp. KVSW-LP - Request for refund of FY 2006 regulatory fee. **Granted** (January 3, 2007) [*See* Assessment and Collection of Regulatory Fees for Fiscal Year 2006, 21 FCC Rcd 8092, ¶ 50 (2006)]

WMBH-AM, Joplin, Missouri - Request for waiver of 2006 regulatory fee. **Granted** (January 23, 2007) [*See* Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995)]

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

January 3, 2007

Dan J. Alpert, Esq.
2120 N. 21st Road
Arlington, VA 22201

Re: Request for Refund of FY 2006
Regulatory Fees
Station KVSW-LP
Fee Control No. 0609199365896257

Dear Mr Alpert:

This is in response to your request filed September 19, 2006 (*Request*), on behalf of Village Broadcasting Corp. (VBC), licensee of Low Power TV (LPTV) station KVSW-LP (Station), for a refund of the $420.00 fiscal year (FY) 2006 regulatory fee. For the reasons that follow, we grant your request.

You assert that although the Station paid a regulatory fee for FY 2006, no regulatory fee was due because the license for the Station "was issued on July 19, 2006, which was after the October 1, 2005 cut-off date."[1] Our records confirm that VBC did not hold a license for the Station on or before October 1, 2005, and is therefore not required to pay a FY 2006 regulatory fee for the station.[2] We therefore grant your request for a refund of the FY 2006 regulatory fee for LPTV Station KVSW-LP.

A check made payable to the maker of the original check, and drawn in the amount of $420.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

Mark A. Stephens
Chief Financial Officer

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[1] *Request* at 1 (*citing Regulatory Fees Fact Sheet [for Media Services Licenses*] (August 2006) (*Media Regulatory Fees Fact Sheet*).

[2] *See Assessment and Collection of Regulatory Fees for Fiscal Year 2006*, 21 FCC Rcd 8092, ¶ 50 (2006) ("Regulatory fees must be paid . . . for all broadcast facility licenses granted on or before October 1, 2005."); *Media Regulatory Fees Fact Sheet* at 4 ("Who Must Pay: Holders [of] LPTV . . . licenses . . . whose license was granted before October 1, 2005."); 47 C.F.R. §1.1153.

ENTERED SEP 2 1 2006
WTS No. 7849

The Law Office of

Dan J. Alpert

2120 N. 21st Rd.
Arlington, VA 22201
DJA@COMMLAW.TV

(703) 243-8690 (703) 243-8692 (FAX)

September 19, 2006

RECEIVED - FCC

SEP 19 2006

Federal Communication Commission
Bureau / Office

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W..
Washington, DC 20554

Re: 2006 Annual Regulatory Fee
Station KVSW-LP
Facility No. 126615

Dear Mr. Fishel:

Village Broadcasting Corp., by its attorney, hereby requests refund of its 2006 Annual Regulatory Fee. In support thereof, the following is stated.

In the Regulatory Fee Fact Sheet (August 2006) issued with respect to Media Services Regulatory Fees for 2006, the FCC stated that with regard to LPTV stations:

> **Who Must Pay**: Holders LPTV, TV translator and booster licenses, and FM translators and booster licenses whose license was granted before October 1, 2005.

As reflected by the attached, the license for KVSW-LP was issued on July 19, 2006, which was after the October 1, 2005 cut-off date. Therefore, no fee was due, and the $420 Regulatory Fee paid on behalf of Village Broadcasting Corp. should be refunded.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

Counsel for Village Broadcasting Corp.

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FILE

OFFICE OF
MANAGING DIRECTOR

January 3, 2007

James Z. Hardman
Hardman Broadcasting, Inc.
2510 West 20th Street
Joplin, Missouri 64804

Re: WMBH-AM, Joplin, Missouri
Request for Waiver of Regulatory Fees
Fee Control No. RROG-06-00007582

Dear Mr. Hardman:

This responds to your July 17, 2006 letter (Request)[1] seeking a waiver of the fiscal year (FY) 2005 and FY 2006 regulatory fee for WMBH-AM, Joplin, Missouri (WMBH), on account of financial hardship. On June 9, 2006, we denied your previous request for waiver of the FY 2005 regulatory fee due to insufficient documentation showing financial hardship.[2] Our records show that the FY 2005 regulatory fee in the amount of $1,406.25, including late charge penalty, and the FY 2006 regulatory fee in the amount of $1,200 have not been paid. As explained below, your request is denied.

You state that WMBH is not yet able to pay its regulatory fees, although things have improved over the prior 14 months since the station was involved in a bankruptcy under its previous owner.[3] In support of your request, you attach papers showing income and expenses for the station for calendar year 2005.[4]

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." See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995). Regulatees can establish financial hardship by submitting:

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[1] Letter from James Z. Hardman, Hardman Broadcasting, Inc. to FCC (July 17, 2006) (Request).

[2] Letter from Mark Stephens, FCC, to James Z. Hardman, Hardman Broadcasting (June 9, 2006) (June 9 Denial).

[3] Request at 1.

[4] Request at 2-7.

> information such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information. 10 FCC Rcd at 12762.

In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, to determine 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, as well as deductions for depreciation and amortization and similar items that do not affect cash flow, are considered funds available to pay the fees.

The papers you submitted show that Hardman Broadcasting had a positive cash flow balance of $6,266.25 for calendar year 2005. Therefore, based on the information you have provided, your request for waiver for FYs 2005 and 2006 is denied. Payment of the FY 2005 regulatory fee in the amount of $1,125, plus a penalty of $281.25 for late payment of the regulatory fee, and the FY 2006 regulatory fee in the amount of $1,200, are now due. The regulatory fees and the late charge penalties (i.e., $2,606.25) 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 Receivable Operations Group at (202) 418-1995.

Sincerely,

Mark A. Stephens
Chief Financial Officer

Enclosure

FO WAIVER TRACKING
CNTL# 7582

RROG-06-00007582

July 17, 2006

To: Federal Communications Commission
Re: WMBH AM Denied fees wavier

Hello Madame and Sirs,

WMBH 1560 was recently denied a waiver to pay ownership fees due to my not submitting my profit loss statement which was information needed to make the decision. I am asking that the FCC reconsider my request and application for the original wavier and to include 2006 as well. WMBH was involved in a bankruptcy under the previous owner. Things have show some improvement over the last 14 months however WMBH AM has not reached a point to which it is able to pay the fees. I also ask the fee for the upcoming ownership fees for September 2006 is waived as well.

WMBH has been broadcasting in and licensed to Joplin, Missouri since 1927. The community sees the station as an icon, and a historical monument. Just a few months ago the Missouri Southern State University awarded WMBH AM as the Pioneer Broadcasters because of its active broadcasting legacy. Under normal conditions and had I gained ownership while not in bankruptcy I may not have asked for the wavier however due to extenuating circumstances I ask you to reconsider the WMBH AM financial hardship wavier. Thank you.

Sincerely yours,

James Z. Hardman
Current owner WMBH 1560AM
417-623-4011

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

January 23, 2007

Jack Lotsof, President
Stereo 97, Inc.
276 Nassau Avenue
Buffalo, New York 14217

Re: Stereo 97, Inc.
Request for Waiver of FY 2006 Regulatory Fees
Fee Control No.: 0509028835361015

Dear Mr. Lotsof:

This letter responds to your request dated September 18, 2006 (*Request*), filed on behalf of Stereo 97, Inc. (Stereo 97) for a waiver of the Fiscal Year (FY) 2006 regulatory fees for Station KAVV(FM) and booster station KAVV-FM1 on the basis of financial hardship.[1] Our records reflect that you have paid the $575.00 and $420.00 FY 2006 regulatory fees for Stations KAVV(FM) and KAVV-FM1, respectively. For the reasons set forth below, we grant your request.

You recite that "in its fiscal year ended June 30, 2006," Stereo 97, "whose sole business is KAVV, lost $30,969 on a cash basis, disregarding depreciation."[2] You state that only one of the licensee's three corporate officers received compensation for his work and that he is also the station's full-time general manager. You assert that the compensation should be excluded from the evaluation of Stereo 97's profitability because that officer "worked full-time, on a daily basis, managing the station, as his sole occupation."[3] You maintain that "he averages more than sixty hours per week for this station . . . . [and that h]is salary is an extremely low level of compensation for his position[.]"[4] You assert that "[n]o other employee, consultant or other individual received as much as $25,000 in any form of compensation[.]"[5] You state that you are the sole owner of Stereo 97. In support of your request for waiver, you submit, in addition to other financial documents, a financial statement for the years ending June 30, 2005 and June 30, 2006, entitled "Stereo 97, Inc.: Statement of Revenues, Expenses and Deficit – Cash Basis" (*Financial Statement*).

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[1] In a subsequent communication, you state that you erroneously requested a waiver of the FY 2005 regulatory fees in the *Request* when in fact you seek a waiver of the FY 2006 regulatory fees. *See* Email from Jack Lotsof to Joanne Wall (Dec. 5, 2006).

[2] *Request* at 1.

[3] *Id.*

[4] *Id.* at 2.

[5] *Id.*

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." *See Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995). 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.

Our review of your submission, including the *Financial Statement*, indicates that Stereo 97 suffered an operating loss in the year ending June 2006 and that this deficit was only partially offset by the salary paid to one officer and a deduction for depreciation. Accordingly, in light of your compelling showing of financial hardship, your request for waiver of the FY 2006 regulatory fees is granted.

You have also requested confidential treatment of the materials that you submitted with your fee waiver request. Pursuant to section 0.459(d)(1) of the Commission's rules, 47 C.F.R. §0.459(d)(1), we do not routinely rule on requests for confidential treatment until we receive a request for access to the records. The records are treated confidentially in the meantime. If a request for access to the information submitted in conjunction with your regulatory fees is received, you will be notified and afforded the opportunity to respond at that time.

A check made payable to the maker of the original check, and drawn in the amount of $995.00 (*i.e.*, $575.00 plus $420.00), will be sent 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

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FILE

OFFICE OF
MANAGING DIRECTOR

January 3, 2007

Dan J. Alpert, Esq.
2120 N. 21st Road
Arlington, VA 22201

Re: Request for Refund of FY 2006
Regulatory Fees
Station K66GD
Fee Control No. 0609199365896250

Dear Mr Alpert:

This is in response to your request filed September 19, 2006 (*Request*), on behalf of Roger Mills (Mills), licensee of Low Power TV (LPTV) Station K66GD (Station), for a refund of the $420.00 fiscal year (FY) 2006 regulatory fee. For the reasons that follow, we grant your request.

You assert that although the Station paid a regulatory fee for FY 2006, no regulatory fee was due because the license for the Station "was issued on July 19, 2006, which was after the October 1, 2005 cut-off date."[1] Our records confirm that Mills did not hold a license for the Station on or before October 1, 2005, and is therefore not required to pay a FY 2006 regulatory fee for the station.[2] We therefore grant your request for a refund of the FY 2006 regulatory fee for LPTV Station K66GD.

A check made payable to the maker of the original check, and drawn in the amount of $420.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

Mark A. Stephens
Chief Financial Officer

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[1] *Request* at 1 (*citing Regulatory Fees Fact Sheet [for Media Services Licenses*] (August 2006) (*Media Regulatory Fees Fact Sheet*).

[2] *See Assessment and Collection of Regulatory Fees for Fiscal Year 2006*, 21 FCC Rcd 8092, ¶ 50 (2006) ("Regulatory fees must be paid . . . for all broadcast facility licenses granted on or before October 1, 2005."); *Media Regulatory Fees Fact Sheet* at 4 ("Who Must Pay: Holders [of] LPTV . . . licenses . . . whose license was granted before October 1, 2005."); 47 C.F.R. §1.1153.

ENTERED SEP 21 2006
WTS No. 7845

The Law Office of

Dan J. Alpert

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September 19, 2006

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W..
Washington, DC 20554

RECEIVED - FCC
SEP 19 2006
Federal Communication Commission
Bureau / Office

Re: 2006 Annual Regulatory Fee
Station K66GD
Facility No. 128836

Dear Mr. Fishel:

Roger Mills, by his attorney, hereby requests refund of his 2006 Annual Regulatory Fee. In support thereof, the following is stated.

In the Regulatory Fee Fact Sheet (August 2006) issued with respect to Media Services Regulatory Fees for 2006, the FCC stated that with regard to LPTV stations:

> **Who Must Pay**: Holders LPTV, TV translator and booster licenses, and FM translators and booster licenses whose license was granted before October 1, 2005.

As reflected by the attached, the license for K66GD was issued on July 19, 2006, which was after the October 1, 2005 cut-off date. Therefore, no fee was due, and the $420 Regulatory Fee paid on behalf of Roger Mills should be refunded.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

Counsel for Roger Mills

FILE

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

January 3, 2007

Dan J. Alpert, Esq.
2120 N. 21st Road
Arlington, VA 22201

Re: Request for Refund of FY 2006
Regulatory Fees
Station W40BU
Fee Control No. 060919365890217

Dear Mr Alpert:

This is in response to your request filed September 19, 2006 (*Request*), on behalf of Ralph Fytton (Fytton), licensee of Low Power TV (LPTV) station W40BU (Station), for a refund of the $420.00 fiscal year (FY) 2006 regulatory fee. For the reasons that follow, we grant your request.

You assert that although the Station paid a regulatory fee for FY 2006, no regulatory fee was due because the license for the Station "was issued on May 26, 2006, which was after the October 1, 2005 cut-off date."[1] Our records confirm that Fytton did not hold a license for the Station on or before October 1, 2005, and is therefore not required to pay a FY 2006 regulatory fee for the station.[2] We therefore grant your request for a refund of the FY 2006 regulatory fee for LPTV Station W40BU.

A check made payable to the maker of the original check, and drawn in the amount of $420.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

Mark A. Stephens
Chief Financial Officer

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[1] *Request* at 1 (*citing Regulatory Fees Fact Sheet [for Media Services Licenses*] (August 2006) (*Media Regulatory Fees Fact Sheet*).

[2] *See Assessment and Collection of Regulatory Fees for Fiscal Year 2006*, 21 FCC Rcd 8092, ¶ 50 (2006) ("Regulatory fees must be paid . . . for all broadcast facility licenses granted on or before October 1, 2005."); *Media Regulatory Fees Fact Sheet* at 4 ("Who Must Pay: Holders [of] LPTV . . . licenses . . . whose license was granted before October 1, 2005."); 47 C.F.R. §1.1153.

ENTERED SEP 2 1 2006

WTS No 7847

The Law Office of

Dan J. Alpert

2120 N. 21st Rd.
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DJA@COMMLAW.TV

(703) 243-8690 (703) 243-8692 (FAX)

September 19, 2006

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W..
Washington, DC 20554

RECEIVED - FCC

SEP 19 2006

Federal Communication Commission
Bureau / Office

Re: 2006 Annual Regulatory Fee
Station W40BU
Facility No. 125056

Dear Mr. Fishel:

Ralph Fytton, by his attorney, hereby requests refund of his 2006 Annual Regulatory Fee. In support thereof, the following is stated.

In the Regulatory Fee Fact Sheet (August 2006) issued with respect to Media Services Regulatory Fees for 2006, the FCC stated that with regard to LPTV stations:

> **Who Must Pay**: Holders LPTV, TV translator and booster licenses, and FM translators and booster licenses whose license was granted before October 1, 2005.

As reflected by the attached, the license for W40BU was issued on May 26, 2006, which was after the October 1, 2005 cut-off date. Therefore, no fee was due, and the $420 Regulatory Fee paid on behalf of Ralph Fytton should be refunded.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

Counsel for Ralph Fytton

Search returned: 5 matching applications

Application Search Results

File Number		Paper/ Elect	Call Sign	Facility Id	Service	Status	Status Date	Details
BLTTL	20060410AAW	E	W40BU	125056	TX	GRANTED	05/26/2006	Info | Application
BMPTTL	20060323AIG	E	W40BU	125056	TX	GRANTED	03/27/2006	Info | Application
BAPTTL	20051128AJD	E	W40BU	125056	TX	GRANTED	01/11/2006	Info | Application
BNPTTL	20000807AAG	P	W40BU	125056	TX	GRANTED	01/09/2003	Info | Application
		E	W40BU	125056	TX	Accepted	03/24/2006	Info | Application

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FILE

OFFICE OF
MANAGING DIRECTOR

January 31, 2007

David Tillotson, Esq.
Counsel for Chaparral Broadcasting, Inc.
4606 Charleston Terrace, N.W.
Washington, D.C. 20007-1911

Re: Request for Waiver of Late Payment Penalty
Control Nos. 00000RROG-05-060 and RROG-06-0000758

Dear Mr. Tillotson:

This letter responds to your request filed June 15, 2005 and supplemented October 4, 2005 petitioning for reconsideration of a letter ruling by the Commission's Chief Financial Officer (CFO) dated May 23, 2005.[1] That letter denied Chaparral Broadcasting, Inc.'s (Chaparral) requests for waiver and refund of a late payment penalty in the amount of $557.50 that was assessed against Chaparral for failure to timely pay its rulemaking fee for Station KLZY (FM) located in Park City, Montana.[2] As explained below, we affirm our initial ruling and deny your request for reconsideration of our denial of the waiver of the late payment penalty.

In your initial requests, you asserted that the late payment penalty should be waived because the FCC's CDBS electronic application filing system was partially to blame for Chaparral's failure to submit a rulemaking fee at the time it filed its application for a construction permit to change the city of license and class from Channel 223C at Powell, Wyoming to Channel 223CO at Park City, Montana.[3] You stated that when Chaparral filed its application that triggered the obligation to pay the rulemaking fee, the Commission's electronic payment system showed only the filing fee, and that Chaparral had relied upon the system which failed to show a rulemaking fee being due.[4]

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[1] Petition for Reconsideration from David Tillotson, Esq. on behalf of Chaparral Broadcasting, Inc. filed June 15, 2005 (Petition for Recon); Supplement to Petition for Reconsideration from David Tillotson, Esq. on behalf of Chaparral Broadcasting, Inc. filed Oct. 4, 2005 (Supplement).

[2] Letter from Mark A. Reger, Chief Financial Officer, Federal Communications Commission, to David Tillotson, Esq. (May 23, 2005) (Letter Ruling).

[3] Waiver Requests from David Tillotson, Esq. on behalf of Chaparral Broadcasting, Inc. dated December 10, 2004 and January 4, 2005 (Waiver Requests).

[4] *Id.*

In denying your waiver requests, we stated that not only was your client, as a Commission licensee, responsible for familiarity with the Commission's rules and requirements regarding the payment of a rulemaking fee, but also that the Commission had provided actual notice as well.[5] Furthermore, we noted that the Commission is required by the Communications Act to assess a penalty of 25 percent for late payment of any required application fee. 47 U.S.C. § 158(c)(1).[6]

In your request for reconsideration you assert that the Chief Financial Officer's reason for denying Chaparral's waiver is not responsive to Chaparral's argument and therefore does not represent reasonable decision making.[7] You contend that where the FCC has designed a system whereby it calculates and displays the fees that an applicant is obligated to pay at the end of the filing process, it should not penalize an applicant who, in reliance on that system, fails to pay a fee that the electronic system did not show as being due.[8] You submit that when the Commission creates a system to inform licensees as to the fees they owe and to collect those fees, the Commission has a responsibility to make sure the system either calculates and collects the correct fee or displays a bold disclaimer that the licensee should not rely upon the Commission's calculation.[9] You state that the question is whether it is fair and equitable for the Commission to impose a late payment penalty where the Commission's payment system misled the applicant.[10] In your Supplement, you also allege that because the application "was never returned to Chapparal [by Commission staff]," the corporation "was deprived of the opportunity to resubmit the application with all required fees, and without incurring a late payment penalty, provided for in Section 1.1109(d)."[11]

We do not agree that the letter ruling denying your waiver requests was unresponsive to your requests. Although you may believe that you were misled by the Commission's fee calculation system, we still affirm that as a Commission licensee, Chaparral was charged with the responsibility to familiarize itself with the Commission's rules and requirements. These rules and requiresments state clearly that Chaparral was required to pay the mandatory rulemaking fee along with its application fee in a timely manner. Not

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[5] Letter Ruling at 2.

[6] *Id.*

[7] Petition for Reconsideration at 2.

[8] *Id.* at 1.

[9] *Id.* at 2.

[10] *Id.* at 3.

[11] Supplement at 1-2.

only was the required rulemaking fee established in the rules at 47 C.F. R. §1.1104 (3)(l), but also you were personally notified of this requirement in writing by the Commission, which sent you by Certified Mail Return Receipt Requested, a copy of the Report and Order so stating that the rulemaking fee was due.[12]

As stated in our denial of your waiver requests, the Commission has repeatedly held that "[l]licensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances." *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), *citing Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970). Furthermore, the Communications Act of 1934, as amended, requires the Commission to assess a penalty of 25 percent for late payment of any required application fee. 47 U.S.C. §158(c)(1).

With respect to your Supplement, we also reject as unfounded your allegation that because the application was not returned to Chapparal, the applicant was "deprived" of the opportunity to resubmit the application without incurring a late payment penalty under section 1.1109(d). This contention misreads the cited rule section. The provisions

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[12] As explained in a letter sent to you on December 10, 2004 by George H. Gwinn, Supervisory Engineer, Audio Division, Media Bureau, the Report and Order in the subject rulemaking makes clear that the Commission's rules impose a requirement to pay the rulemaking fee, in addition to the application fee, when filing the application to implement an allotment change. Chaparral was aware that the proceeding requesting a change in the Table of Allotments was a rulemaking proceeding because it commenced the proceeding by filing a Petition for Rulemaking. *See Notice of Proposed Rule Making and Order to Show Cause in the Matter of Amendment of Section 73.202(B), Table of Allotments, FM Broadcast Stations*. 17 FCC Rcd 7234 (2002). The Report and Order specifically states:

> Pursuant to Commission Rule Section 1.1104(1)(k) and (3)(l), any party seeking a change in community of license of a TV or FM allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Chaparral Broadcasting, Inc. licensee of FM Station KLZY, is required to submit a rule making fee in addition to the fee required for the applications to effectuate the changes specified above.

Report and Order, In the Matter of Section 73.202(B), Table of Allotments, FM Broadcast Stations (Park City, Montana) MB Docket No. 02-79, RM-10424, 19 FCC Rcd 2092 ¶ 21, (2004). Further, the *Report and Order* required that the Secretary of the Commission send by Certified Mail Return Receipt Requested, a copy of the Report and Order to counsel, David Tillotson, Esq., at counsel's Law Offices. *Id.* at ¶ 22.

of section 1.1109(d) "govern[] fee payments relating to applications and other filings when resubmitted in the appropriate timeframe *following a staff request for additional or corrected information.*"[13] The provisions of section 1.1109(d) do not govern the situation at issue here because the staff did not make a request for additional or corrected information but, instead, made a determination that the applicant was required to pay the rulemaking fee, in addition to the application fee, when filing the subject application to implement the allotment change. Hence, this supplemental argument provides no basis for waiver of the late payment penalty.

Our records reflect that we received Chaparral's late filed rulemaking fee of $2,230.00 and its late payment penalty of $557.50 on January 28, 2005. We affirm our initial finding that Chapparral did not meet its obligation to file a rulemaking fee at the time that it filed its application as required by the rules. We therefore deny your request for reconsideration. If you have any questions concerning this matter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

Mark A. Stephens
Chief Financial Officer

[13] *See Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5369 ¶ 103 (1994) (*emphasis added*) (discussing 47 C.F.R. §1.1107(d), redesignated as 47 C.F.R. §1.1109(d) in *Reorganization Establishing the International Bureau*, 60 FR 5322, 6326 (1995); *see also* 47 C.F.R. §1.1109(d).

Tracking #: 7586

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In re

Request for Waiver of Late) Control #00000RROG-05-031
Payment Penalty)

RROG-06-00007584

To: Office of the Managing Director

PETITION FOR RECONSIDERATION

Chaparral Broadcasting, Inc. ("Chaparral"), by its attorney, hereby Petitions for Reconsideration of the letter ruling by the Commission's Chief Financial Officer dated May 23, 2005, which denied Chaparral's request for waiver and refund of a late payment penalty in the amount of $557.50 that was assessed against Chaparral because it had failed to pay a rulemaking fee with respect to Station KLZY(FM) on time.

Chaparral had argued that the penalty should be waived and refunded because when it filed the application which triggered the obligation to pay the rulemaking fee the Commission's electronic payment system which calculated the fees due in connection with the filing only showed the filing fee, which Chaparral paid using that system. It is Chaparral's contention that where the FCC has designed a system whereby it calculates and displays the fees that an applicant is obligated to pay at the end of the filing process, it should not then penalize an applicant who, in reliance on that system, fails to pay a fee that the electronic system did not show as being due.

The Chief Financial Officer correctly stated Chaparral's argument in his ruling denying Chaparral's waiver and refund request. However, the reason cited for denying the request was simply that "As a Commission licensee, Chaparral is charged with the responsibility of familiarizing itself with the Commission's rules and requirements." Chaparral submits that the reason cited for denying its request for a waiver and refund of the late payment penalty is not responsive Chaparral's argument in support of its request, and, therefore, does not represent reasoned decision making.

Chaparral does not take issue with the basic proposition that licensees have a responsibility to familiarize themselves with the Commission's rules and requirements. But Chaparral submits that there an equally important, and countervailing, consideration in this case is the principle (for which there is as yet no case precedent, but it's not too late to start some) that when the Commission creates systems to inform licensees as to the fees that they owe and to collect those fees, the Commission has a responsibility to make sure that the system either (i) calculates and collects the correct fee or (ii) displays a **BOLD** disclaimer stating that "**licensee's should not rely upon the Commission's calculation and should make an independent determination of what fees are owed.**"

The issue raised by Chaparral's waiver and refund request is not simply whether Chaparral had a responsibility as a licensee to know what fees were due, but whether the Commission's

failure to have lived up to its responsibility to ensure that the system it deployed for collecting fees at the end of the application filing process accurately reflected the fees due (or alternatively warned applicants not to rely upon it) and the fact that this failure contributed directly to Chaparral's failing to file the rulemaking fee on time justifies granting Chaparral's waiver and refund request. Simply stated, the question is whether it is fair and equitable for the Commission to impose a late payment penalty where the Commission's own electronic fee payment system misled the applicant into overlooking the rulemaking fee? This is the question that needs to be addressed on reconsideration.

Respectfully submitted,

David Tillotson
Law Office of David Tillotson
4606 Charleston Terrace, N.W.
Washington, DC 20007
Tel: 202 625 6241
Email: dtlaw@starpower.net

Attorney for Chaparral Broadcasting, Inc.

Date: June 5, 2005

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C.

In re

Request for Waiver of Late) Control #00000RROG-05-031
Payment Penalty)

To: Office of the Managing Director

SUPPLEMENT TO PETITION FOR RECONSIDERATION

Chaparral Broadcasting, Inc. ("Chaparral"), by its attorney, hereby supplements the Petition for Reconsideration of the letter ruling by the Commission's Chief Financial Officer dated May 23, 2005, that Chaparral submitted via mail on June 15, 2005, to add the following argument in favor of waiver of the late payment penalty in question which Chaparral believes is unassailable.

Section 1.1109 of the Commission's Rules sets out with specificity how applications that are filed without all required filing fees. The section provides that such applications are to be returned and permits their resubmission with the appropriate filing fee, without penalty. The Section further provides at subsection (d)(1) that, (i) in the event the Bureau processing the application "discovers" within 30 days after resubmission of an application returned for want of payment of the proper fees, "the application will be dismissed" and (ii) if the Bureau discovers after 30 days following resubmission that the requisite fees have not been paid, "the application will be retained and a late fee will be assessed."

The Chaparral application with respect to which the late payment penalty was assessed was never returned to Chaparral as

required by Section 1.1109(c) of the rules. As a consequence of the Commission's failure to follow its own rule, Chaparral was deprived of the opportunity to resubmit the application with all required fees, and without incurring a late payment penalty, provided for in Section 1.1109(d). Moreover, since the application was never returned, and therefore was not a resubmitted application, the provision of Section 1.1109(d)(2) which authorizes the Commission to assess a late payment penalty of 25% if, more than 30 days after *resubmission* of an application, the processing Bureau discovers that a required filing fee has not been paid, never came into play.

In view of the fact that the Commission did not follow the plain language of its own rules concerning the handling of applications submitted without all required filing fees, and the fact that the Commission's failure to follow its own rules deprived Chaparral of the opportunity to resubmit the application with all appropriate fees without any penalty, the Commission clearly erred in assessing the late payment penalty which is the subject of this Petition for Reconsideration and that penalty payment should be refunded.

Respectfully submitted,

David Tillotson
Law Office of David Tillotson
4606 Charleston Terrace, N.W.
Washington, DC 20007
Tel: 202 625 6241
Email: dtlaw@starpower.net

Attorney for Chaparral Broadcasting, Inc.

Date: September 25, 2005

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C.

In re

Request for Waiver of Late) Control #00000RROG-05-031
Payment Penalty)

To: Office of the Managing Director

SUPPLEMENT TO PETITION FOR RECONSIDERATION

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The Chaparral application with respect to which the late payment penalty was assessed was never returned to Chaparral as

required by Section 1.1109(c) of the rules. As a consequence of the Commission's failure to follow its own rule, Chaparral was deprived of the opportunity to resubmit the application with all required fees, and without incurring a late payment penalty, provided for in Section 1.1109(d). Moreover, since the application was never returned, and therefore was not a resubmitted application, the provision of Section 1.1109(d)(2) which authorizes the Commission to assess a late payment penalty of 25% if, more than 30 days after *resubmission* of an application, the processing Bureau discovers that a required filing fee has not been paid, never came into play.

In view of the fact that the Commission did not follow the plain language of its own rules concerning the handling of applications submitted without all required filing fees, and the fact that the Commission's failure to follow its own rules deprived Chaparral of the opportunity to resubmit the application with all appropriate fees without any penalty, the Commission clearly erred in assessing the late payment penalty which is the subject of this Petition for Reconsideration and that penalty payment should be refunded.

Respectfully submitted,

David Tillotson
Law Office of David Tillotson
4606 Charleston Terrace, N.W.
Washington, DC 20007
Tel: 202 625 6241
Email: dtlaw@starpower.net

Attorney for Chaparral Broadcasting, Inc.

Date: September 25, 2005

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FILE

OFFICE OF
MANAGING DIRECTOR

January 3, 2007

Peter Tannenwald
Irwin, Campbell & Tannenwald, P.C.
Counsel for David Ryder, Receiver,
WMEL-AM
1730 Rhode Island Avenue, N.W., Ste. 200
Washington, DC 20036-3101

Re: WMEL-AM, Melbourne, Florida
Request for Waiver and Deferment
of FY 2006 Regulatory Fee
Fee Control No. RROG-06-00007698

Dear Mr. Tannenwald:

This responds to your request filed August 25, 2006 Request, on behalf of Mr. David Ryder, Receiver and licensee of broadcast station WMEL-AM, Melbourne, Florida (WMEL-AM), for a waiver and deferment of the regulatory fee for fiscal year (FY) 2006 on account of financial hardship.[1] Our records indicate that you have not paid the regulatory fee, which amounts to $2,025. As we explain below, your request is granted.

In your Request, you state that WMEL-AM is currently in receivership and that the license was assigned to Mr. Ryder as a court-appointed receiver on July 29, 2005, under File No. BAL-20050714ACP.[2] You attach an order by the Circuit Court of the 18th Judicial Circuit, Brevard County, Florida, appointing David Ryder as receiver of Twin Towers Broadcasting on June 29, 2005.[3]

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership at the time the fees are due is sufficient to establish financial hardship. See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). Based on the documents you submitted concerning WMEL-AM's receivership status, we will grant a waiver of the regulatory fee for FY 2006.

---

[1] Letter from Peter Tannenwald to Office of the Managing Director, FCC (dated August 25, 2006) (Letter).

[2] Letter at 1.

[3] Letter, Exhibit A.

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

ORIGINAL

IRWIN, CAMPBELL & TANNENWALD, P.C.

ATTORNEYS AT LAW
1730 RHODE ISLAND AVENUE, N.W.
SUITE 200
WASHINGTON, D.C. 20036-3101
(202) 728-0400
FAX (202) 728-0354
http://www.ictpc.com

PETER TANNENWALD
(202) 728-0401 EXT. 105
ptannenwald@ictpc.com

RROG-00007698

RECEIVED - FCC

AUG 25 2006

Federal Communication Commission
Bureau / Office

August 25, 2006

RROG-06-00007698

BY HAND DELIVERY

Federal Communications Commission
Office of the Managing Director
445 - 12th St., S.W., Room 1-A625
Washington, DC 20554
Attention: Regulatory Fee Waiver/Reduction Request

RECEIVED FCC/FOC/TOG
AUG 29 2006
BY:

Re: David Ryder, Receiver
WMEL(AM), Facility ID 68615
FRN 0013-8353-43

Regulatory Fee Waiver Request and
Request for Deferment of Payment Without Penalty

Dear Sir/Madam:

On behalf of David Ryder, Receiver, licensee of broadcast station WMEL(AM), Melbourne, Florida, this is to request a waiver of the annual regulatory fee for FY2006, due September 19, 2006. The amount of the fee is $2,025.

WMEL is currently in receivership and is licensed to Mr. Ryder as a court-appointed receiver. The license was involuntarily assigned to the Receiver under File No. BAL-20050714ACP, granted July 29, 2005.

Receivership has been acknowledged by the Commission as evidence of financial hardship that justifies relief from the regulatory fees required by 47 USC Sec. 159. *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (par. 14) (1995) ("Evidence of bankruptcy or receivership is sufficient to establish financial hardship."). Attached hereto is a copy of the court order appointing the Receiver that was submitted with BAL-20050714ACP and establishes existence of the receivership.

In addition, because of the station's current distress situation, it is requested that the Commission waive the requirement of Section 1.1166(c) of the Rules that waiver petitions be accompanied by payment with a request for refund.

The Managing Director recently granted a waiver of both the regulatory fee obligation and the Section 1.1166(c) pre-payment obligation in the matter of On Top Communications of Mississippi, LLC, Letter of May 31, 2006, Fee Control No. RROG-06-00006906. It is respectfully submitted that WMEL merits grant of the same waivers.

Respectfully submitted,

Peter Tannenwald
Counsel for David Ryder, Receiver

FILE

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

January 23, 2007

Jerry DeCiccio
Chief Financial Officer
GTC Telecom
3151 Airway Ave., Suite P-3
Costa Mesa, CA 92626

Re: GTC Telecom
Request for Waiver of FY 2006 Regulatory Fees
Fee Control No. RROG-06-00007782

Dear Mr. DeCiccio:

This is in response to your request dated August 28, 2006 (*Request*), filed on behalf of GTC Telecom, for a waiver of the fiscal year (FY) 2006 regulatory fees on the grounds of financial hardship. Our records reflect that you have not paid the regulatory fees at issue here. For the reasons set forth below, we grant your request.

You recite that GTC Telecom "has not yet made a profit and our Net Loss less Depreciation continues to be negative."[1] You state that "GTC Telecom has not paid any dividends since our inception."[2] You assert that "GTC Telecom is operating in a zone of insolvency and has a 'Going Concern' opinion on its financial statements for [calendar years 2004 and 2005.]"[3] You submit an untitled financial document dated August 28, 2006, itemizing GTC Telecom's revenues and expenses for calendar years 2004 and 2005 (*Statement of Operations*). In a supplemental filing, you state that GTC Telecom has no principals and that the $2,431,950.00 line item for "Payroll and related [expenses]" on the *Statement of Operations* for calendar year 2005 includes payments to officers of GTC Telecom in the amount of $466,000.00.[4] You also state that GTC Telecom had no amortization for calendar year 2005 and that the $3,800,286.00 line item for "Selling, general, and administrative expenses" on the *Statement of Operations* for calendar year 2005 includes depreciation of $295,441.00.[5]

---

[1] *Request* at 1.

[2] *Id.*

[3] *Id.*

[4] *See* Email from Jerry DeCiccio to Joanne Wall at 2 (Dec. 5, 2006) (also confirming that the fifth column of figures reflects the financial results for the 12-month period ending December 31, 2005).

[5] *Id.* (also stating that "[s]hould GTC [Telecom] have any amortization expense, it would be included in depreciation expense [on the *Statement of Operations*]").

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." *See Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995). 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.

Our review of GTC Telecom's *Statement of Operations* indicates that GTC Telecom suffered a financial loss in the 2005 calendar year, which was only partially offset by depreciation and payroll expenses attributable to its principals and officers (*i.e.*, the loss of $2,952,490.00 as indicated on the *Statement of Operations* for calendar year 2005, adjusted for depreciation and the payments to officers equals a net loss of $2,191,049.00). Given that GTC Telecom suffered a financial loss in calendar year 2005, we grant your request for a waiver of the regulatory fee for FY 2006.

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

GTC TELECOM

CNTL# 7782

Leading the way in Telecommunications

August 28, 2006

Federal Communications Commission
445 12th St SW
Attn: Managing Director, Andrew Fishel
Washington DC 20554

Attn: 2006 Regulatory Fee Waiver Reduction

Dear Mr. Fishel:

I am writing to request a hardship waiver of GTC Telecom's (Filer 499 ID# 818720) 2006 FCC Regulatory Fee.

Per my previous discussions with FCC personnel, I have enclosed GTC Telecom financials for the last 2 years. As a public company, GTC Telecom has not yet made a profit and our Net Loss less Depreciation continues to be negative. GTC Telecom has not paid any dividends since our inception. Also, GTC Telecom is operating in a zone of insolvency and has a "Going Concern" opinion on its financial statements for these reporting periods as well.

FCC personnel have also stated that by filing this waiver request, GTC will not be subject to the 25% penalty for late filers.

Please contact me regarding any relevant information pertaining to this issue.

Sincerely,

Gerald A. DeCiccio
CFO
GTC Telecom

3151 Airway Ave. Suite P-3, Costa Mesa, CA 92626 Phone (714) 549-7700 Fax. (714) 549-7707

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

January 3, 2007

Dan J. Alpert, Esq.
2120 N. 21st Road
Arlington, VA 22201

Re: Request for Refund of FY 2006
Regulatory Fees
Station K276EZ
Fee Control No. 0609199365896249

Dear Mr Alpert:

This is in response to your request filed September 19, 2006 (*Request*), on behalf of Morningstar Media Company, LLC, (MMC), permittee of FM translator station K276EZ (Station), for a refund of the $420.00 fiscal year (FY) 2006 regulatory fee. For the reasons that follow, we grant your request.

You assert that although the Station paid a regulatory fee for FY 2006, no regulatory fee was due because a license has not been issued for the Station.[1] Our records reflect that MMC holds a construction permit which was issued on July 23, 2004, but did not hold a license for the Station on or before October 1, 2005, and is therefore not required to pay a FY 2006 regulatory fee for the station.[2] We therefore grant your request for a refund of the FY 2006 regulatory fee for FM translator station K276EZ.

A check made payable to the maker of the original check, and drawn in the amount of $420.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

Mark A. Stephens
Chief Financial Officer

---

[1] *Request* at 1 (*citing Regulatory Fees Fact Sheet [for Media Services Licenses]* (August 2006) (*Media Regulatory Fees Fact Sheet*).

[2] *See Assessment and Collection of Regulatory Fees for Fiscal Year 2006*, 21 FCC Rcd 8092, ¶ 50 (2006) ("Regulatory fees must be paid . . . for all broadcast facility licenses granted on or before October 1, 2005."); *Media Regulatory Fees Fact Sheet* at 4 ("Who Must Pay: Holders [of] . . . FM translator . . . licenses . . . whose license was granted before October 1, 2005."); 47 C.F.R. §1.1153.

ENTERED SEP 21 2006
WTS No. 7848

The Law Office of

Dan J. Alpert

2120 N. 21st Rd.
Arlington, VA 22201
DJA@COMMLAW.TV

(703) 243-8690 (703) 243-8692 (FAX)

September 19, 2006

RECEIVED - FCC
SEP 19 2006
Federal Communication Commission
Bureau / Office

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W..
Washington, DC 20554

Re: 2006 Annual Regulatory Fee
Station K276EZ
Facility No. 143400

Dear Mr. Fishel:

Morningstar Media Company, LLC, by its attorney, hereby requests refund of its 2006 Annual Regulatory Fee. In support thereof, the following is stated.

In the Regulatory Fee Fact Sheet (August 2006) issued with respect to Media Services Regulatory Fees for 2006, the FCC stated that with regard to FM translator stations:

> **Who Must Pay**: Holders LPTV, TV translator and booster licenses, and FM translators and booster licenses whose license was granted before October 1, 2005.

As reflected by the attached, the license for K276EZ has not yet been issued. Therefore, no fee was due, and the $420 Regulatory Fee paid on behalf of Morningstar Media Company, LLC should be refunded.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,

Dan J. Alpert

Counsel for Morningstar Media Company, LLC

Search returned: 4 matching applications

Application Search Results

File Number	Paper/ Elect	Call Sign	Facility Id	Service	Status	Status Date	Details
BAPFT 20051128ANY	E	K276EZ	143400	FX	GRANTED	03/21/2006	Info | Application
BNPFT 20030818AEX	E	K276EZ	143400	FX	GRANTED	07/23/2004	Info | Application
BNPFT 20030317ATA	E	K276EZ	143400	FX	GRANTED	07/23/2004	Info | Application
	E	K276EZ	143400	FX	Accepted	05/17/2006	Info | Application