



# PUBLIC NOTICE

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

News media information 202 / 418-5000  
Fax-On-Demand 202 / 418-2830  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

DA- 07- 4917

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

## PUBLIC NOTICE

Released: December 7, 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:

**ADX Communications of Escambia WNRP (AM)**  
Request for refund of FY 2007 regulatory fee. **Granted** (October 30, 2007) [*See* Report and Order, Assessment and Collection of Regulatory Fees for Fiscal Year 2005, 20 FCC Rcd 12,259, ¶ 24 (2005) (Report and Order)]

**Bernadine Schumacher Station K242AY** – Request for refund of 2007 regulatory fee. **Granted** (November 19, 2007) [*See* Assessment and Collection of Regulatory Fees for Fiscal Year 2007, MD Docket No. 07-81, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 15712, ¶ 52 (2007)]

**Collateral Network Solutions, LLC** - Request for waiver of FY 2004 regulatory fee. **Granted** (November 21, 2007) [*See* Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995)]

**Comunidad Misionera de Adoracion, Inc. Station K44GW** – Request for refund of 2007 regulatory fee. **Granted** (November 07, 2007) [*See* Assessment and Collection of Regulatory Fees for Fiscal Year 2007, MD Docket No. 07-81, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 15712, ¶ 52 (2007)]

**Cumbre Communications Corp. WALE (AM)** – Request for Waiver and refund of 2007 regulatory fee. **Granted** (November 21, 2007) [*See* Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995)]

**David Ryder WMEL (AM)** – Request for waiver of FY 2007 regulatory fee **Granted** (October 30, 2007) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12,759, 12761-62 (1995)]

**De La Hunt Broadcasting Corp. Station K286AS** – Request for refund of 2007 regulatory fee. **Granted** (November 07, 2007) [See Assessment and Collection of Regulatory Fees for Fiscal Year 2007, MD Docket No. 07-81, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 15712, ¶52 (2007)]

**Eagle Bluff Enterprises KBSP (AM)** – Request for waiver of FY 2007 regulatory fee **Granted** (November 21, 2007) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12,759, 12,762 (1995)]

**Fun With Radio WWCD (FM)** – Request for waiver of FY 2007 regulatory fee **Denied** (November 21, 2007) [See 47 C.F.R. § 1.1164]

**Iglesia Jesucristo es mi Refugio, Inc. Station K18HC** – Request for refund of 2007 regulatory fee. **Granted** (November 07, 2007) [See Assessment and Collection of Regulatory Fees for Fiscal Year 2007, MD Docket No. 07-81, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 15712, ¶52 (2007)]

**Integrity Radio of Florida, LLC** -Request for waiver of FY 2006 regulatory fee. **Granted** (November 21, 2007) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995)]

**Jeanette Towne-Nolte WGZT-LP** - Request for waiver and refund of FY 2007 regulatory fee. **Granted** (October 30, 2007) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12,759, 12,762 (1995)]

**KCFA, Inc Station K294AW** - Request for waiver and refund of FY 2007 regulatory fee. **Granted** (October 30, 2007) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12,759, 12,762 (1995)]

**KDDD Radio KDDD (AM)** - Request for waiver of FY 2005 regulatory fees and late fee penalties and application fee. **Granted** (November 08, 2007) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12,759, 12761-62 (1995)]

**KM Television of Flagstaff, LLC Station KCFG (TV)** -Request for waiver of FY 2007 regulatory fee. **Granted** (November 21, 2007) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995)]

**KWTY –FM** - Request for waiver of FY 2006 regulatory fee and late fee penalty. **Granted** (November 21, 2007) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995)]

**Lone Star Network KETX-LP** Request for waiver and refund of FY 2007 regulatory fee. **Granted** (October 30, 2007) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12,759, 12,762 (1995)]

**Lovell , Byron, Cowley TV Station K12AC**– Request for waiver of FY 2005 regulatory fee and late fee penalty. **Granted** (November 21, 2007) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12,759, 12,762 (1995)]

**Mr. Michael Lewis Stations K296DE and K285CP -** Request for waiver of 2003-2007 regulatory fees and late fee penalties. **Granted** (November 08 2007) [*See Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year; MD Docket No. 94-19, Memorandum Opinion and Order, 10 FCC Rcd 12759, 12761 para. 16 (1995)*]

**Pan American KDAZ (AM) –** Request for waiver of FY 2007 regulatory fee late fee penalty **Denied** (November 21, 2007) [*See 47 C.F.R. § 1.1164*]

**Pittman Broadcasting Services, Inc. WMYQ (AM)** – Request for waiver of FY 2006 regulatory fee. **Granted** (October 30, 2006) [*See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12,759, 12,762 (1995)*]

**Stereo 97, Inc. Stations KAVV (FM) and KAVV (FM1) -**Request for waiver of FY 2007 regulatory fee. **Denied** (November 21, 2007) [*See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995)*]

**TEA-VISZ of Park Falls, Wisconsin Station W272AY -** Request for waiver of FY 2006 regulatory fee. **Granted** (November 07, 2007) [*See Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 10 FCC Rcd 12759, 12761, para. 16 (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

OCT 30 2007

FILE

OFFICE OF  
MANAGING DIRECTOR

Dan J. Alpert, Esq.  
2120 21<sup>st</sup> Rd.  
Suite 400  
Arlington, VA 22201

Re: David E. Hoxeng d/b/a/ ADX  
Communications of Escambia ✓  
Station WNRP(AM)  
FY 2007 Regulatory Fee  
Fee Control No. 0708279365892220

Dear Mr. Alpert:

This is in response to your request filed September 18, 2007 (*Request*), on behalf of David E. Hoxeng d/b/a ADX Communications of Escambia (ADX), licensee of Station WNRP(AM), for a refund of the Fiscal Year (FY) 2007 regulatory fee. Our records reflect that you paid the \$1,950.00 FY 2007 regulatory fee. For the reasons stated herein, we grant your request.

You state, and our records confirm, that Station WNRP(AM) is an AM Expanded Band station.<sup>1</sup> You assert that as an Expanded Band station, WNRP(AM) is not required to pay a FY 2007 regulatory fee.<sup>2</sup> We agree that the Commission does not require licensees of AM Expanded Band radio stations, *i.e.*, stations authorized for broadcast in the 1605-1705 kHz range, to pay regulatory fees for such stations.<sup>3</sup> Because Station WNRP(AM) is an AM Expanded Band station, we find a refund is warranted for FY 2007. Accordingly, your request is granted.

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

<sup>2</sup> *Id.* (citing *Assessment and Collection of Regulatory Fees for Fiscal Year 2005, Report and Order and Order on Reconsideration*, 20 FCC Rcd 12259, para. 24 (2005) (*Report and Order*)).

<sup>3</sup> *See Report and Order*, 20 FCC Rcd at 12267 (explaining that “our decision not to require . . . regulatory fee payments for AM Expanded Band stations is not a permanent exemption” but a current policy).

A check made payable to the maker of the original check, and drawn in the amount of \$1,950.00, 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,

A handwritten signature in black ink, appearing to read 'Mark Stephens', with a large, stylized initial 'M'.

 Mark Stephens  
Chief Financial Officer

RECEIVED

The Law Office of

2007 SEP 25 12:24  
Dan J. Alpert

2120 N. 21st Rd.

Arlington, VA 22201

DJA@COMMLAW.TV

FINANCIAL SERVICES  
CENTER

(703) 243-8690

(703) 243-8692 (FAX)

September 18, 2007

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SEP 18 2007

Federal Communications Commission  
Bureau / Office

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

Re: 2006 Annual Regulatory Fee  
Station WNRP(AM)  
Gulf Breeze, FL  
Facility No. 87034

Dear Mr. Fishel:

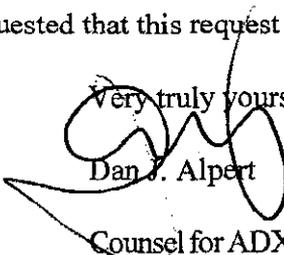
David E. Hoxeng d/b/a ADX Communications of Escambia, by its attorney, hereby requests refund of its 2007 Annual Regulatory Fee. In support thereof, the following is stated.

In the Report and Order and Order on Reconsideration issued with respect to Fiscal Year 2005 Regulatory Fees, FCC 05-137 (July 7, 2005), the FCC recognized that it does "not require AM Expanded Band radio stations to pay section 9 regulatory fees for their expanded band station at this time." Id. at ¶ 24.

ADX Communications of Escambia (FRN 0006-8145-45) is licensee of Station WNRP(AM), which is an expanded band station. Accordingly, a refund of the \$1,950 fee that was timely paid respectfully is requested.

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

Very truly yours,

  
Dan J. Alpert

Counsel for ADX Communications of Escambia

#9666

070279365892220

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

NOV 19 2007

OFFICE OF  
MANAGING DIRECTOR

Dan J. Alpert, Esq.  
2120 21<sup>st</sup> Road  
Arlington, VA 22201

Re: Request for Refund of FY 2007  
Regulatory Fee  
Station K242AY  
Fee Control No. 0709029365893575

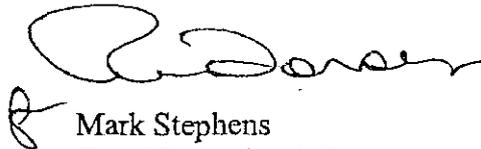
Dear Mr. Alpert:

This is in response to your request filed September 18, 2007 (*Request*), on behalf of Bernadine Schumacher, (Schumacher), licensee of FM translator station K242AY (Station), for a refund of the \$345.00 fiscal year (FY) 2007 regulatory fee. Our records reflect that the regulatory fee was paid. For the reasons that follow, we grant your request.

You assert that although the Station paid a regulatory fee for FY 2007, no regulatory fee was due because the license for the Station "was issued on June 7, 2007, which was after the October 1, 2006 cut-off date."<sup>1</sup> Our records confirm that Schumacher did not hold a license for the Station on or before October 1, 2006, and is therefore not required to pay a FY 2007 regulatory fee for the station.<sup>2</sup> We therefore grant your request for a refund of the FY 2007 regulatory fee for FM translator station K242AY.

A check made payable to the maker of the original check, and drawn in the amount of \$345.00, 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 Stephens  
Chief Financial Officer

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<sup>1</sup> *Request at 1 citing Regulatory Fees Fact Sheet [for Media Services Licenses for FY 2007] (August 2007) (Media Regulatory Fees Fact Sheet).*

<sup>2</sup> *See Assessment and Collection of Regulatory Fees for Fiscal Year 2007, MD Docket No. 07-81, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 15712, ¶ 52 (2007) ("Regulatory fees must be paid for all broadcast facility licenses granted on or before October 1, 2006."); Media Regulatory Fees Fact Sheet at 4 ("Who Must Pay: Holders [of] . . . FM translator . . . licenses whose license was granted before October 1, 2006."); 47 C.F.R. §1.1153.*

9658

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The Law Office of

Dan J. Alpert

2007 SEP 25 P 12:24

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(703) 243-8690

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September 18, 2007

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SFP 18 2007

Federal Communications Commission  
Bureau / Office

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

Re: 2007 Annual Regulatory Fee  
Station ~~K242AY~~  
Facility No. 143005

Dear Mr. Fishel:

Bernadine Schumacher, by her attorney, hereby requests refund of her 2007 Annual Regulatory Fee. In support thereof, the following is stated.

In the Regulatory Fee Fact Sheet (August 2007) issued with respect to Media Services Regulatory Fees for 2007, 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, 2006....

As reflected by the attached, the license for K242AY was issued on June 7, 2007, which was after the October 1, 2006 cut-off date. Therefore, no fee was due, and the \$445 Regulatory Fee paid on behalf of Bernadine Schumacher should be refunded.

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

Very truly yours,

Dan J. Alpert

Counsel for Bernadine Schumacher

Payment was received  
09/02/07

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 21 2007

OFFICE OF  
MANAGING DIRECTOR

William Hampton  
Former Chief Financial Officer  
Collateral Network Solutions, LLC  
1423 South Garnett Road  
Tulsa, Oklahoma 74128

Re: Collateral Network Solutions, LLC  
Request for Waiver of Regulatory Fees  
Fee Control No. RROG-07-00008732 ✓

Dear Mr. Hampton:

This responds to your Request<sup>1</sup> for waiver of the fiscal year (FY) 2004 regulatory fee on behalf of Collateral Network Solutions, LLC (CNS), Tulsa, Oklahoma, on account of financial hardship. Our records show that the FY 2004 regulatory fee in the amount of \$289.08, including late charge penalty, has not been paid. As explained below, your request is granted.

In your Request, you state that CNS closed operations in 2004, and lost money in its last year.<sup>2</sup> You attach a copy of CNS's partnership tax return for 2004 to document your financial hardship claim.<sup>3</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." 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:

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.

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<sup>1</sup> Waiver Request from William Hampton, Former Chief Financial Officer, Collateral Network Solutions, dated August 28, 2007 (Request).

<sup>2</sup> *Id.*

<sup>3</sup> Attachment to Request, Form 1065, U.S. Return of Partnership Income for 2004 (Attachment).

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.

Our review of the papers you submitted indicates that CNS experienced a financial deficit in 2004 without regard to any deduction for depreciation and that no payments were made to any member of the partnership. Therefore, your request for a waiver of the regulatory fee for FY 2004 is granted.

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

Sincerely,

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

Mark Stephens  
Chief Financial Officer

RR06-07-00008732

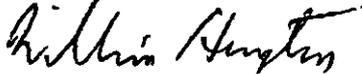
Date: August 28, 2007

To whom it may concern,

Collateral Network Solutions (FRN# 0005952502) closed operations in 2004. Due to the fact that we lost money on our last year (see attached financials) I would like to request the charges being assessed be waived.

If you have further questions please feel free to contact me at 918-607-5307 or email me at [bhampton777@yahoo.com](mailto:bhampton777@yahoo.com)

Sincerely



William Hampton  
Former CFO  
CNS

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

NOV 07 2007

OFFICE OF  
MANAGING DIRECTOR

Dan J. Alpert, Esq.  
2120 21<sup>st</sup> Road  
Arlington, VA 22201

Re: Request for Refund of FY 2007  
Regulatory Fee  
Station K44GW  
Fee Control No. 0709199365899414

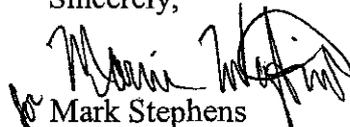
Dear Mr Alpert:

This is in response to your request filed September 20, 2007 (*Request*), on behalf of Comunidad Misionera de Adoracion, Inc. (Comunidad), licensee of UHF translator station K44GW (Station), for a refund of the \$345.00 fiscal year (FY) 2007 regulatory fee. Our records reflect that the regulatory fee was paid. For the reasons that follow, we grant your request.

You assert that although the Station paid a regulatory fee for FY 2007, no regulatory fee was due because the license for the Station "was issued on January 11, 2007, which was after the October 1, 2006 cut-off date."<sup>1</sup> Our records confirm that Comunidad did not hold a license for the Station on or before October 1, 2006, and is therefore not required to pay a FY 2007 regulatory fee for the station.<sup>2</sup> We therefore grant your request for a refund of the FY 2007 regulatory fee for UHF translator station K44GW.

A check made payable to the maker of the original check, and drawn in the amount of \$345.00, 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 Stephens  
Chief Financial Officer

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<sup>1</sup> *Request at 1 citing Regulatory Fees Fact Sheet [for Media Services Licenses for FY 2007] (August 2007) (Media Regulatory Fees Fact Sheet).*

<sup>2</sup> *See Assessment and Collection of Regulatory Fees for Fiscal Year 2007, MD Docket No. 07-81, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 157172, ¶ 52 (2007) ("Regulatory fees must be paid for all broadcast facility licenses granted on or before October 1, 2006."); Media Regulatory Fees Fact Sheet at 4 ("Who Must Pay: Holders [of] . . . TV translator . . . licenses whose license was granted before October 1, 2006."); 47 C.F.R. §1.1153.*

07-09199365-899414

The Law Office of

**Dan J. Alpert**

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

(703) 243-8690

September 19, 2007

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

**Re: 2007 Annual Regulatory Fee  
Station K44GW  
Facility No. 129974**

Dear Mr. Fishel:

Comunidad Misionera de Adoracion, Inc., by its attorney, hereby requests refund of its 2007 Annual Regulatory Fee. In support thereof, the following is stated.

In the Regulatory Fee Fact Sheet (August 2007) issued with respect to Media Services Regulatory Fees for 2007, 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, 2006....

As reflected by the attached, the license for K44GW was issued on January 11, 2007, which was after the October 1, 2006 cut-off date. Therefore, no fee was due, and the \$345 Regulatory Fee paid on behalf of Comunidad Misionera de Adoracion, Inc. should be refunded.

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

Very truly yours,

Dan J. Alpert

Counsel for Comunidad Misionera de  
Adoracion, Inc.

Payment was received  
AJ

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2007 SEP 25 P 12:23

FINANCIAL OPERATIONS  
(703) 243-8692 (FAX)

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SEP 20 2007

Federal Communications Commission  
Bureau / Office

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FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 21 2007

OFFICE OF  
MANAGING DIRECTOR

Matthew H. McCormick  
Irwin, Campbell & Tannenwald, P.C.  
Counsel for Cumbre Communications Corp.,  
Debtor-in-Possession  
1730 Rhode Island Avenue, N.W., Ste. 200  
Washington, DC 20036-3120

Re: WALE-AM, Greenville, Rhode Island  
Request for Waiver and Refund  
of FY 2007 Regulatory Fee  
Fee Control No. RROG-07-00009629 ✓

Dear Mr. McCormick:

This responds to your Letter dated September 12, 2007 on behalf of Cumbre Communications Corp., Debtor-in-Possession (Cumbre) and licensee of broadcast station WALE-AM, Greenville, Rhode Island (WALE-AM), requesting waiver of the regulatory fee for fiscal year (FY) 2007 on account of financial hardship.<sup>1</sup> Our records indicate that you have not paid the regulatory fee, which amounts to \$2,975. As we explain below, your request for waiver is granted.

In your Letter, you state that Cumbre has been in Chapter 11 bankruptcy under File No. BAL-20040622ABC since July 13, 2004, and has limited resources to operate the station.<sup>2</sup>

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 Cumbre's bankruptcy status, we will grant a waiver of the regulatory fee for FY 2007.

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

Sincerely,



Mark Stephens  
Chief Financial Officer

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<sup>1</sup> Letter from Matthew H. McCormick to Marlene H. Dortch, Secretary, FCC (dated September 12, 2007) (Letter).

<sup>2</sup> Letter at 1. On October 12, 2007, you supplemented your Letter with documentation showing that Cumbre was still in bankruptcy as of the regulatory fee due date of September 19, 2007.

ORIGINAL

**IRWIN, CAMPBELL & TANNENWALD, P.C.**

**ATTORNEYS AT LAW**  
1730 RHODE ISLAND AVENUE, N.W.  
SUITE 200  
WASHINGTON, D.C. 20036-3120  
(202) 728-0400  
FAX (202) 728-0354  
<http://www.ictpc.com>

SEP 18 2007

BY: \_\_\_\_\_

PETER TANNENWALD  
RICHARD F. SWIFT  
MICHELLE A. MCCLURE  
MATTHEW H. MCCORMICK  
NATHANIEL J. HARDY  
DAVINA S. SASHKIN\*  
\*BAR ADMISSION PENDING; NOT ADMITTED IN DC

OF COUNSEL:  
DAVID A. IRWIN  
ALAN C. CAMPBELL  
BARRY D. UMANSKY  
RAMSEY L. WOODWORTH

Erw #

0010864577

September 12, 2007

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554

FILED/ACCEPTED

SEP 12 2007

Federal Communications Commission  
Office of the Secretary

**ATTENTION: Office of the Managing Director  
Room 1-A625  
Regulatory Fee Waiver Request**

Dear Ms. Dortch:

Cumbre Communications Corp. ("Cumbre"), Debtor-in-Possession, licensee of Standard Broadcast Station WALE, Greenville, Rhode Island (Facility Id. No. 49128), hereby requests waiver of the FY 2007 Regulatory Fees for Station WALE.

Cumbre acquired the license of Station WALE from North American Broadcasting Co., Inc., Debtor-in-Possession ("North American"), on May 6, 2004, pursuant to Commission authorization. See File No. BAL-20030825AET, granted October 14, 2003. Cumbre subsequently was forced to seek the protection of the bankruptcy court. See BAL-20040622ABC, granted July 13, 2004. It is presently in Chapter 11 and has limited resources to operate the station.

The Commission's policy is to waive the regulatory fees for licensees whose stations are in bankruptcy, undergoing Chapter 11 reorganization, or in receivership. The evidence of bankruptcy is sufficient to establish financial hardship. *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12761-62 (1995).

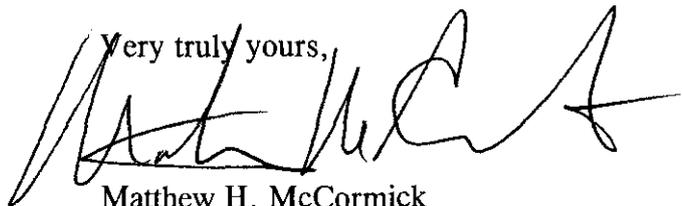
Office of Managing Director  
September 12, 2007  
Page 2

As this waiver request is not accompanied by a fee or Form 159, please find enclosed a Petition to Defer Payment Due to Financial Hardship and documentation of financial hardship. These documents are filed pursuant to § 1.1166(c) of the Commission's Rules.

Please advise this office of your ruling with respect to this request.

Should any questions arise in connection with this matter, please communicate directly with this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Matthew H. McCormick", written over a horizontal line.

Matthew H. McCormick  
Counsel for  
CUMBRE COMMUNICATIONS CORP.,  
DEBTOR-IN-POSSESSION

Enclosure  
cc: Craig Rapoza  
Peter Arpin

## FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 30 2007

OFFICE OF  
MANAGING DIRECTOR

Peter Tannenwald  
Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Avenue, N.W.  
Suite 200  
Washington, DC 20036-3101

Re: WMEL-AM, Melbourne, Florida  
Request for Waiver and Deferment  
of FY 2007 Regulatory Fee  
Fee Control No. RROG-07-00009343

Dear Mr. Tannenwald:

This responds to your Letter filed August 17, 2007, on behalf of David Ryder, Receiver and licensee of broadcast station WMEL-AM, Melbourne, Florida (WMEL), requesting waiver and deferment of the regulatory fee for fiscal year (FY) 2007 on account of financial hardship.<sup>1</sup> Our records indicate that you have not paid the regulatory fee, which amounts to \$1,950.<sup>2</sup> As we explain below, your request is granted.

In your Letter, 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.<sup>3</sup> On October 4, 2007, you supplemented your Letter, attaching a certification by Mr. Ryder that his receivership remains in effect.<sup>4</sup>

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 2007.

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<sup>1</sup> Letter from Peter Tannenwald to Office of the Managing Director, FCC (dated Aug. 17, 2007) (Letter).

<sup>2</sup> Our records indicate that the correct FY 2007 regulatory fee for WMEL is \$1,950, not \$2,375 as you state in your Letter. See Letter at 1.

<sup>3</sup> Letter at 1.

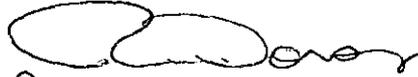
<sup>4</sup> Letter from Peter Tannenwald to Office of the Managing Director, FCC (dated Oct. 4, 2007), Attachment at 1.

Peter Tannenwald

2.

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 Stephens", with a stylized flourish at the end.

Mark 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>

RR06-07-00009343

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RECEIVED - FCC

PETER TANNENWALD  
(202) 728-0401 EXT. 105  
[ptannenwald@ictpc.com](mailto:ptannenwald@ictpc.com)

AUG 20 2007

AUG 17 2007

Federal Communications Commission  
Bureau / Office

BY: \_\_\_\_\_

August 17, 2007

**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

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

4/630

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 FY2007, due September 19, 2007. The amount of the fee is \$2,375.00.

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.").

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.

Federal Communications Commission

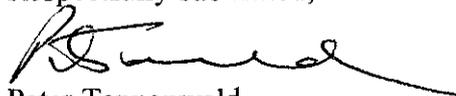
August 17, 2007

Page 2

The Managing Director granted a waiver to WMEL under these same circumstances last year. *See* Fee Control No. RROG-06-00007698, dated January 3, 2007. A copy of the court order appointing the Receiver that was submitted with BAL-20050714ACP was submitted with last year's waiver request. Another copy will be submitted on request this year if needed by the Commission to process this year's waiver request.

As the Receiver has not yet been able to find a buyer for WMEL, the same distress situation exists this year as existed last year. It is respectfully submitted that WMEL merits grant of the same waiver this year that was granted last year.

Respectfully submitted,



Peter Tannenwald  
Counsel for David Ryder, Receiver

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

NOV 07 2007

OFFICE OF  
MANAGING DIRECTOR

Dan J. Alpert, Esq.  
2120 21<sup>st</sup> Road  
Arlington, VA 22201

Re: Request for Refund of FY 2007  
Regulatory Fee  
Station K286AS  
Fee Control No. 0709029365893575

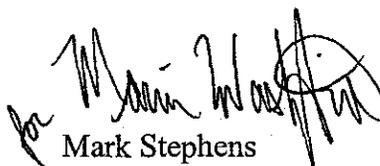
Dear Mr Alpert:

This is in response to your request filed September 18, 2007 (*Request*), on behalf of De La Hunt Broadcasting Corp., (De La Hunt), licensee of FM translator station K286AS (Station), for a refund of the \$345.00 fiscal year (FY) 2007 regulatory fee. Our records reflect that the regulatory fee was paid. For the reasons that follow, we grant your request.

You assert that although the Station paid a regulatory fee for FY 2007, no regulatory fee was due because the license for the Station "was issued on June 7, 2007, which was after the October 1, 2006 cut-off date."<sup>1</sup> Our records confirm that De La Hunt did not hold a license for the Station on or before October 1, 2006, and is therefore not required to pay a FY 2007 regulatory fee for the station.<sup>2</sup> We therefore grant your request for a refund of the FY 2007 regulatory fee for FM translator station K286AS.

A check made payable to the maker of the original check, and drawn in the amount of \$345.00, 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 Stephens  
Chief Financial Officer

<sup>1</sup> *Request at 1 citing Regulatory Fees Fact Sheet [for Media Services Licenses for FY 2007] (August 2007) (Media Regulatory Fees Fact Sheet).*

<sup>2</sup> *See Assessment and Collection of Regulatory Fees for Fiscal Year 2007, MD Docket No. 07-81, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 15712, ¶ 52 (2007) ("Regulatory fees must be paid for all broadcast facility licenses granted on or before October 1, 2006."); Media Regulatory Fees Fact Sheet at 4 ("Who Must Pay: Holders [of] . . . FM translator . . . licenses whose license was granted before October 1, 2006."); 47 C.F.R. §1.1153.*

9685  
070902936589 3575

RECEIVED The Law Office of

**Dan J. Alpert**

2007 SEP 25 P 12:25  
123125 21st Rd.  
Arlington, VA 22201  
DJA@COMMLAW.TV

FINANCIAL CENTER

(703) 243-8690

(703) 243-8692 (FAX)

September 18, 2007

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SEP 18 2007

Federal Communications Commission  
Bureau / Office

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

**Re: 2007 Annual Regulatory Fee  
Station K286AS  
Facility No. 143001**

Dear Mr. Fishel:

De La Hunt Broadcasting Corp, by its attorney, hereby requests refund of its 2007 Annual Regulatory Fee. In support thereof, the following is stated.

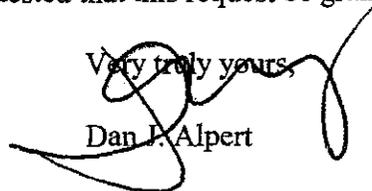
In the Regulatory Fee Fact Sheet (August 2007) issued with respect to Media Services Regulatory Fees for 2007, the FCC stated that with regard to LPTV stations:

**Who Must Pay:** Holders LPTV, TV translator and booster licenses, and FM translators and booster licenses whose license was granted before October 1, 2006....

As reflected by the attached, the license for K286AS was issued on June 7, 2007, which was after the October 1, 2006 cut-off date. Therefore, no fee was due, and the \$345 Regulatory Fee paid on behalf of De la Hunt Broadcasting Corp. should be refunded.

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

Very truly yours,



Dan J. Alpert

Counsel for De La Hunt Broadcasting Corp.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 21 2007

OFFICE OF  
MANAGING DIRECTOR

Dan J. Alpert, Esq.  
2120 N. 21<sup>st</sup> Road  
Suite 400  
Arlington, VA 22201

Re: Eagle Bluff Enterprises  
Station KBSP(AM) (formerly KACE(AM))  
FY 2007 Regulatory Fee  
Fee Control No. RROG-07-00009657

Dear Mr. Alpert:

This is in response to your request filed September 18, 2007 (*Request*), on behalf of Eagle Bluff Enterprises (Eagle), the former licensee of Station KBSP(AM) (formerly KACE(AM)) (collectively, the station),<sup>1</sup> for a waiver of the Fiscal Year (FY) 2007 regulatory fee. Our records reflect that you have not paid the \$475.00 FY 2007 regulatory fee or the \$118.75 late charge penalty for late payment of the regulatory fee, for a total amount of \$593.75. For the reasons stated herein, we grant your request.

You recite that when the FY 2007 regulatory fees were due, “not only [was] . . . the station dark, the station license already was canceled and the call sign deleted as of July 2, 2007.”<sup>2</sup> You state that “[t]he [s]tation even was dark at the beginning of the Fiscal Year, on October 1, 2006.”<sup>3</sup>

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<sup>1</sup> Eagle changed the name of the station from KACE(AM) to KBSP(AM) on July 16, 2007.

<sup>2</sup> *Request* at 1 (citing Letter from Peter H. Doyle, Chief Audio Division, Media Bureau, FCC, to Eagle Bluff Enterprises (Sept. 6, 2007) (*September 6, 2007 Letter*) (stating that because the Commission’s records indicate that the station “has been silent since at least July 1, 2006 . . . . [t]he station’s license expired as a matter of law at 12:01 A.M., July 2, 2007”; also stating that unless the Commission “received documented evidence within 30 days of the date of this letter that . . . the station returned to the air at some time between July 1, 2006, and 12:01 A.M., July 2, 2007, the Commission’s . . . databases will be modified to indicate that the license . . . is expired, that the . . . license is canceled as a matter of law, and that the call sign is deleted.”)).

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

In *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995), the Commission determined that the imposition of a regulatory fee could be an impediment to the restoration of service by dark stations and that it therefore would waive the fee requirement for stations which have ceased operation.<sup>4</sup>

Our records reflect that Eagle notified the Commission that the station went silent on July 1, 2006. The Commission subsequently granted the station special temporary authority (STA) to remain silent from September 8, 2006, through January 8, 2007.<sup>5</sup> On July 2, 2007, the license for the station expired pursuant to section 312(g) of the Communications Act, as amended, 47 U.S.C. §312(g). Because the station was no longer operating at the time the FY 2007 regulatory fee was due on September 19, 2007, we grant Eagle's request for waiver of the FY 2007 regulatory fee.

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

Sincerely,



Mark Stephens  
Chief Financial Officer

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<sup>4</sup> See *Reconsideration Order* at 12762 (“broadcast stations which are dark must request permission to suspend operation pursuant to Section 73.1740(a)(4) of the Rules.”).

<sup>5</sup> See Letter from H. Taft Snowdon, Audio Services Division, Mass Media Bureau, Federal Communications Commission, to Dan J. Alpert, Esq. (Sept. 8, 2006).

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The Law Office of

**Dan J. Alpert**

2007 SEP 25 P 12:25

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(703) 243-8690

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(703) 243-8692 (FAX)

September 18, 2007

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

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SEP 18 2007

Federal Communications Commission  
Bureau / Office

Re: **Stations KBSP(AM) (formerly  
KACE(AM))  
Facility No. 29622  
Birch Tree, MO**

Dear Mr. Fishel:

Eagle Bluff Enterprises, by its attorney, hereby requests a waiver of the Annual Regulatory Fee assessed with respect to the above-referenced station. In support thereof, the following is stated.

In the Memorandum Opinion and Order issued with respect to Implementation of Section 9 of the Communications Act, FCC 95-257 (June 22, 1995), the FCC recognized that waivers of the annual Regulatory Fee was appropriate in certain instances, and specifically determined that it would grant waivers to licensees of broadcast stations which are dark (not operating). The Commission recognized that an imposition of regulatory fees could be an impediment to the restoration of broadcast service, and that such it would be unnecessary for such stations to make any further showing to warrant grant of a waiver. Id. at ¶ 15.

Eagle Bluff Enterprises was licensee of Station KBSP(AM) (formerly KACE(AM)). As seen in Attachment 1, as of September 6-19, 2007, when regulatory fees are due, not only is the station dark, the station license already was CANCELED and the call sign deleted as of July 2, 2007. The Station even was dark at the beginning of the Fiscal Year, on October 1, 2006. Therefore, under no reading of Commission policy is a fee due.

Accordingly, a waiver of the Annual Regulatory Fee for Eagle Bluff Enterprises is warranted.

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

Very truly yours,

Dan J. Alpert

Counsel for Eagle Bluff Enterprises