

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 21 2007

OFFICE OF  
MANAGING DIRECTOR

Kathy Hinckley  
Staff Accountant/Director of Business  
Fun With Radio, LLC  
503 South Front Street, Suite 101  
Columbus, Ohio 43215

Re: WWCD (FM), Columbus, Ohio  
Request for Waiver of FY 2007  
Regulatory Fee Penalty  
Fee Control No. 0709248835093001

Dear Ms. Hinckley:

This responds to your October 1, 2007 Letter on behalf of Fun With Radio, LLC, licensee of station WWCD (FM) (WWCD), Columbus, Ohio, requesting waiver of the penalty for late payment of the fiscal year (FY) 2007 regulatory fee.<sup>1</sup> Our records show that a fee payment in the amount of \$2,475 was received on September 21, 2007, which was after the FY 2007 payment due date of September 19, 2007. Our records also show that the FY 2007 regulatory fee penalty of \$618.75 has not been paid. As indicated below, your request is denied.

In support of your waiver request, you state that a check in the amount of \$2,475 was mailed on August 31, 2007, to P.O. Box 358835, Pittsburgh, PA 15251-5835,<sup>2</sup> in plenty of time to reach the Commission's regulatory fee payment center and be cleared for payment by the FY 2007 regulatory fee deadline of September 19, 2007.<sup>3</sup> As indicated above, our records indicate that payment of WWCD's fee was received on September 21, 2007, two days after the deadline.

The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensee responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. *See* 47 C.F.R. § 1.1164. Your request does not indicate or substantiate that you met this obligation. Nor does the statute permit the Commission to remove this obligation even under circumstances, such as those you recite, where the

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<sup>1</sup> Letter from Kathy Hinckley, Staff Accountant/Director of Business, Fun With Radio, LLC (Oct. 1, 2007) (Letter).

<sup>2</sup> *Id.* The address you give in your letter is the correct address for mailed payments by non-billed entities such as Fun With Radio. *See, e.g.,* Public Notice, DA 07-3758 (Aug. 28, 2007).

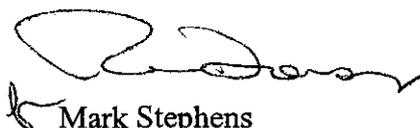
<sup>3</sup> You add that the fee payment was not sent by certified mail. *See* Letter.

licensee assertedly mailed the payment well in advance of the deadline.<sup>4</sup> Further, although you may not have been aware of or fully understood the Communications Act or the Commission's rules regarding regulatory fees, Commission licensees are expected to know and understand the requirements and rules governing their licenses.<sup>5</sup> Therefore, your request is denied.

Payment of the \$618.75 penalty for late payment of the FY 2007 regulatory fee is now due. The late charge penalty should be submitted, together with a copy of Bill No. 0720000231 (copy enclosed), within 30 days of the date of this letter.

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

Sincerely,



Mark Stephens  
Chief Financial Officer

Enclosure

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<sup>4</sup> We point out that licensees may avoid the possibility of delayed postal delivery because section 1.1158 of the rules permits payment of regulatory fees by means other than mailing, such as electronic transfer.

<sup>5</sup> Among other things, the Commission issued Public Notices announcing the due date for payment of fees and describing how to pay fees online. *Public Notice*, DA 07-3758, August 28, 2007; *Public Notice*, DA 07-3715, August 23, 2007; *Public Notice*, Regulatory Fees Due No Later Than September 19, 2007, August 13, 2007.



9725

0709248835093001

October 1, 2007

Federal Communications Commission  
 Revenue & Receivables Operations Group  
 PO Box 358340  
 Pittsburgh PA 15251-5340

Re: FRN No. 0006146369

Dear Sherry~

Per our conversation the morning of October 1, 2007, this letter is to serve as a request for reversal of late fees associated with FCC regulatory fees.

According to my records, check #12203 in the amount of \$2,475.00 was mailed on August 31, 2007 to PO Box 358835, Pittsburgh, PA 15251-5835. Giving plenty of time to reach to reach the payment center, and be cleared for payment by the due date of September 19, 2007. Unfortunately, this was not sent by certified mail so all you can go on is my word that it was mailed on the date mentioned above.

With that said, I hope this letter provides enough explanation and that the fee of \$618.75 will be reversed.

Please contact me with any further questions at 614.221.9923 or email at [kathy@cd101.com](mailto:kathy@cd101.com).

Thank you for your time,

Kathy Hinckley  
 Staff Accountant/Director of Business  
 WWCD CD101.1 FM

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 K18HC  
Fee Control No. 0709199365899414

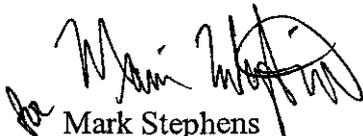
Dear Mr Alpert:

This is in response to your request filed September 20, 2007 (*Request*), on behalf of Iglesia Jesucristo es mi Refugio, Inc. (Iglesia), licensee of UHF translator station K18HC (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 December 28, 2006, which was after the October 1, 2006 cut-off date."<sup>1</sup> Our records confirm that Iglesia 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 K18HC.

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.*

0709199365899414

9668

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

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2007 SEP 25 P 12: 23  
FINANCIAL CENTER  
(703) 243-8692 (FAX)

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SEP 20 2007  
Federal Communications Commission  
Bureau / Office

**Re: 2007 Annual Regulatory Fee  
Station K18HC  
Facility No. 129691**

Dear Mr. Fishel:

Iglesia Jesucristo es mi Refugio, 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 December 28, 2006, which was after the October 1, 2006 cut-off date. Therefore, no fee was due, and the \$345 Regulatory Fee paid on behalf of Iglesia Jesucristo es mi Refugio, Inc. should be refunded.

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

Very truly yours,

Dan J. Alpert

Counsel for Iglesia Jesucristo es mi Refugio,  
Inc.

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

NOV 21 2007

OFFICE OF  
MANAGING DIRECTOR

Mr. George S. Kalman  
Integrity Radio of Florida, LLC  
201 Asbury Street  
Arcadia, Florida 34266

Re: Integrity Radio of Florida, LLC  
FY 2006 Regulatory Fee  
Fee Control No. RROG-07-00009382

Dear Mr. Kalman:

This letter responds to your request dated August 27, 2007 (*Request*), on behalf of Integrity Radio of Florida, LLC (*Integrity*), for waiver of the \$725.00 fiscal year (FY) 2006 regulatory fee. Our records reflect that Integrity has not paid the \$725.00 FY 2006 regulatory fees or the \$181.25 penalty for late payment of the regulatory fee. For the reasons stated herein, we grant your request.

In your request, you recite that station WFLN is "struggling to meet our bills."<sup>1</sup> In subsequent correspondence, you submit Integrity's calendar year 2006 Schedule C, (Form 1040), Profit or Loss from Business (Sole Proprietorship) (*Schedule C*).<sup>2</sup> You state that "the only people that were paid by WFLN Radio [in calendar year 2006] were it's [*sic*] employees: [t]hese are: Jack Welch approximately \$30,000."<sup>3</sup> You state that the balance of the \$48,574.00 reflecting wages on Integrity's Schedule C were paid to "sales and office help[.]"<sup>4</sup> You say that as the owner of the station, you "took no salary or profits of any kind."<sup>5</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

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

<sup>2</sup> See Email from George S. Kalman to Joanne Wall, Attachment (Oct. 29, 2007).

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

<sup>4</sup> *Id.*

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

financial hardship."<sup>6</sup> In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, and considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public. Thus, even if a station loses money, any funds paid to principals, deductions for depreciation or similar items are considered funds available to pay the fees.

Our review of the record, including Integrity's *Schedule C*, indicates that the corporation suffered a \$32,997.00 financial loss in calendar year 2006, which was only partially attributable to depreciation and amortization, and that no funds were paid to principals. Given that Integrity suffered a financial loss in calendar year 2006, 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 Stephens  
Chief Financial Officer

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<sup>6</sup> See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995).

**Sherry Elkheshin**

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**From:** GSKalman@aol.com  
**Sent:** Monday, August 27, 2007 12:21 PM  
**To:** Sherry Elkheshin  
**Subject:** (no subject)

RR06-07-0000938'

Dear Sherry:

Confirming our telephone conversation last week I am writing to confirm that radio station WFLN needs help from the FCC regarding bill number 07RE003744. As we discussed we are a small radio station in Arcadia, Florida struggling to meet our bills. It would be very hard for us to come up with \$906.25 or even \$725 as the bill states. I would very much appreciate it if the FCC would waive this fee and if things improve for us in the future I would be happy to pay this type of fee at that time. If you would like to talk to me about this please call me at the radio station (863) 993 1480 or my cell phone (561) 714 8992. Thank you very much for your understanding and help in this matter.

Cordially,  
George S. Kalman  
Integrity Radio of Florida LLC

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8/27/2007

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 30 2007

OFFICE OF  
MANAGING DIRECTOR

Dan J. Alpert  
Counsel for Jeanette Towne-Nolte  
2120 N. 21<sup>st</sup> Road  
Arlington, VA 22201

Re: WGZT-LP, Key West, Florida  
Request for Waiver and Refund of Fiscal Year 2007  
Regulatory Fee  
Fee Control No. 0709199365899829

Dear Mr. Alpert:

This is in response to your request for waiver and refund of the Fiscal Year (FY) 2007 regulatory fee filed on behalf of Jeanette Towne-Nolte, licensee of Station WGZT-LP (WGZT), Key West, Florida.<sup>1</sup> You maintain that WGZT is currently dark.<sup>2</sup> As indicated below, your request is granted.

In support of your request, you attach a letter dated August 31, 2007 from Hossein Hashemzadeh, Associate Chief of the Video Division of the Media Bureau, granting WGZT Special Temporary Authority (STA) to remain silent until January 25, 2008.<sup>3</sup>

In *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12,759, 12,762 (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.

Our records indicate that WGZT has been dark since January 25, 2007. Thus, your request to waive WGZT's FY 2007 regulatory fee is granted. Further, our records indicate that we received a timely payment of WGZT's FY 2007 regulatory fee on September 19, 2007. Accordingly, we will refund WGZT's FY 2007 regulatory fee payment. We will forward a check in the amount of \$345.00 as soon as practicable.

As a reminder, WGZT's STA noted that, as a matter of law, WGZT's license will automatically expire if broadcast operations do not commence within 12 months from the

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<sup>1</sup> Waiver and Refund Request from Dan J. Alpert, Counsel for Jeanette Towne-Nolte, filed September 20, 2007 (Request) at 1.

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

<sup>3</sup> Attachment to Request, Letter from Hossein Hashemzadeh granting STA, dated August 31, 2007 (Attachment) at 1.

Dan J. Alpert

2.

date that the station ceased broadcasting.<sup>4</sup> See Section 312(g) of the Communications Act, 47 U.S.C. § 312(g). Therefore, this regulatory fee waiver applies only to FY 2007.

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

Sincerely,



for  
Mark Stephens  
Chief Financial Officer

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<sup>4</sup> *Id.*

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SEP 20 2007

The Law Office of  
**Dan J. Alpert**

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

2007 SEP 25 5:12 PM  
Federal Communications Commission  
Bureau / Office

FINANCIAL OPERATIONS  
CENTER

(703) 243-8692 (FAX)

(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: Station WGZT-LP  
Key West, FL  
Facility No. 6030**

Dear Mr. Fishel:

Jeanette Towne-Nolte, by her attorney, hereby requests a waiver and refund of the 2007 Annual Regulatory Fee. 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.

Jeanette Towne-Nolte is licensee of Station WGZT-LP, Key West, Florida. The station currently is dark. See Attachment. Accordingly, a waiver of the 2007 Annual Regulatory Fee is appropriate. A refund of the \$345.00 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 Jeanette Towne-Nolte*

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554  
OCT 30 2007

OFFICE OF

MANAGING DIRECTOR

Dan J. Alpert  
Counsel for KCFA, Inc.  
2120 N. 21<sup>st</sup> Road  
Arlington, VA 22201

Re: K294AW, Arnold, California  
Request for Waiver and Refund of Fiscal Year 2007  
Regulatory Fee  
Fee Control No. 0709059365894155

Dear Mr. Alpert:

This is in response to your request for waiver and refund of the Fiscal Year (FY) 2007 regulatory fee filed on behalf of KCFA, Inc., licensee of Station K294AW, Arnold, California.<sup>1</sup> You maintain that K294AW is currently dark.<sup>2</sup> As indicated below, your request is granted.

In support of your request, you attach a letter dated August 1, 2007 from H. Taft Snowdon, Supervisory Attorney in the Audio Division of the Media Bureau, granting K294AW Special Temporary Authority (STA) to remain silent for a period not to exceed December 6, 2007.<sup>3</sup>

In *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12,759, 12,762 (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.

Our records indicate that K294AW has been dark since December 6, 2006. Thus, your request to waive K294AW's FY 2007 regulatory fee is granted. Further, our records indicate that we received a timely payment of K294AW's FY 2007 regulatory fee on September 5, 2007. Accordingly, we will refund K294AW's FY 2007 regulatory fee payment. We will forward a check in the amount of \$345.00 as soon as practicable.

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<sup>1</sup> Waiver and Refund Request from Dan J. Alpert, Counsel for KCFA, Inc., filed September 18, 2007 (Request) at 1.

Dan J. Alpert

2.

As a reminder, K294AW's STA notes that, as a matter of law, K294AW's license will automatically expire if broadcast operations do not commence within 12 months from the date that the station ceased broadcasting.<sup>4</sup> See Section 312(g) of the Communications Act, 47 U.S.C. § 312(g). Therefore, this regulatory fee waiver applies only to FY 2007.

If you have any questions concerning this matter 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> *Id.* at 1-2.

9677 RECEIVED

The Law Office of  
**Dan J. Alpert**

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

(703) 243-8690

2007 SEP 25 P 12: 23

FINANCIAL CENTER

(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

RECEIVED - FCC  
SEP 18 2007  
Federal Communications Commission  
Bureau / Office

Re: **Station K294AW**  
**Arnold, CA**  
**Facility No. 86880**

Dear Mr. Fishel:

KCFA, Inc., by its attorney, hereby requests a waiver and refund of its 2007 Annual Regulatory Fee. 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.

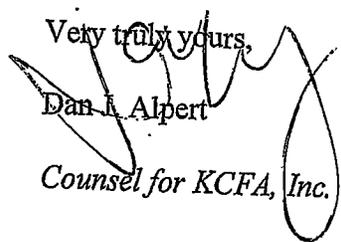
KCFA, Inc. is licensee of Facility No. 86880. The station currently is dark. See Attachment. Accordingly, a waiver of the 2007 Annual Regulatory Fee is appropriate. A refund of the \$345 fee that was timely paid respectfully is requested.

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

Very truly yours,

Dan J. Alpert

Counsel for KCFA, Inc.



9677

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

November 8, 2007

Kent Ries, Esq.  
600 S. Tyler  
Suite 1300  
Amarillo, TX 79101

Re: KDDD Radio  
Requests for Waiver of FY 2005 Regulatory Fees  
and Late Penalties and Application Filing Fee  
Fee Control No. RROG-07-00009061

Dear Mr. Ries:

This letter responds to your Inquiry dated July 18, 2007 on behalf of KDDD Radio, Dumas, Texas, requesting waiver of the fiscal year (FY) 2005 regulatory fees and late penalties for broadcast stations KDDD (AM) and KDDD (FM) (Stations).<sup>1</sup> You also attach a Petition filed March 30, 2005 by Kent Ries on behalf of North River Investments, Inc. (North River), then-licensee of KDDD (FM), for waiver of the \$150 filing fee in connection with its license renewal application filed on March 29, 2005.<sup>2</sup> Our records show that none of these fees has been paid. For the reasons set forth below, we grant your request.

The Petition you attach asserts that the bankrupt status of North River establishes good cause for waiver of the filing fee.<sup>3</sup> In support, the Petition states that the United States Bankruptcy Court for the Northern District of Texas appointed Mr. Ries Trustee of the Chapter 7 bankruptcy estate of Joel Keppel Williamson, full owner of North River.<sup>4</sup> The Petition also states that the FCC's Audio Division of the Media Bureau consented to involuntary transfer of control of North River to Mr. Ries as Trustee.<sup>5</sup> You also attach copies of orders issued by the Bankruptcy Court which show, among other things, that North River filed for Chapter 7 bankruptcy on August 5, 2004.<sup>6</sup> The Petition also asserts

<sup>1</sup> Facsimile Inquiry from Kandit Bray, KDDD Radio, to Judith Haley, FCC (dated July 18, 2007) (Inquiry).

<sup>2</sup> Inquiry, Attachment at 4-6 (North River Investments, Inc., Form 303-S Application For Renewal of License KDDD-FM, Dumas, TX (Facility ID 74311), Request for Filing Fee Waiver (filed March 30, 1995) (Petition)).

<sup>3</sup> Inquiry, Attachment at 5.

<sup>4</sup> *Id.*

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

<sup>6</sup> *Id.* at Exhibit 1. Supplementary documentation shows that the Stations (now licensed to PBI, LLC) remain under bankruptcy protection. See Facsimile from Kent Ries, Attorney at Law to FCC, (Aug. 21, 2007).

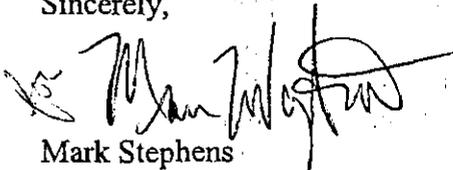
that waiver will serve the public interest by enabling Mr. Ries, as Trustee, to preserve assets that will accrue to innocent creditors.<sup>7</sup>

Section 1.1117 of the Commission's rules, 47 C.F.R. §1.1117, provides that filing fees may be waived upon a showing of good cause and a finding that the public interest will be served thereby. *See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 5 FCC Rcd 3558, 3572-73 (1990). We find that the bankruptcy filing involving North River substantiates your claim of financial hardship and demonstrates good cause for waiver of the filing fee. *See MobileMedia Corporation*, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause for waiver of filing fee). Moreover, waiver of the filing fee will serve the public interest by protecting the interests of innocent creditors. Therefore, your request for waiver of the application filing fee in connection with the license renewal application for KDDD-FM is granted.

As to your request for waiver of the FY 2005 regulatory fees and late penalties, the Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership 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 that were submitted concerning the bankruptcy status of North River during the time period at issue, your request for waiver of the regulatory fees and late penalties for the Stations for FY 2005 is granted.

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>7</sup> *Id.* at 2-3.

STAMP AND RETURN

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MAR 30 2005

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

Federal Communication Commission  
Bureau / Office

In the Matter of

**NORTH RIVER INVESTMENTS, INC.**

Form 303-S Application For Renewal of License  
KDDD-FM, Dumas, TX (Facility ID 74311)

)  
)  
) OMD Docket No.  
) FCC File No.  
)  
)

To: The Managing Director

**REQUEST FOR FILING FEE WAIVER**

Kent Ries, Trustee of the Chapter 7 bankruptcy estate of Joel Keppel Williamson<sup>1</sup> and Interim Trustee of the Chapter 7 bankruptcy estate of North River Investments, Inc., hereby respectfully requests waiver of the \$150 filing fee (Code MGR) that otherwise would be applicable to the filing of the licensee's Form 303-S application to renew the license of radio station KDDD-FM, Dumas, TX. Waiver is requested pursuant to Section 1.1117 of the Commission's rules. As discussed below, waiver is requested based on financial hardship.

**In accordance with Section 1.1117(c) and (e), this submission is in the form of a separate pleading marked to the attention of the Managing Director and attaches a copy of the Form 303-S application for renewal of the KDDD-FM license.**

In support hereof, the following is respectfully shown:

<sup>1</sup> Joel Keppel Williamson is 100% owner of North River Investments, Inc., the licensee of KDDD(AM) and KDDD-FM, Dumas, TX. A separate request for waiver of the FCC filing fee applicable to the Form 303-S application to renew the KDDD(AM) license is being submitted contemporaneously herewith.

Section 1.1117 of the Commission's rules provides for waiver of FCC filing fees upon a showing of good cause and a finding that the public interest will be served thereby. Section 1.1117(c) provides for waiver of filing fees based on financial hardship. Under Commission policy, "[e]vidence of bankruptcy or receivership is sufficient to establish financial hardship,"<sup>2</sup> and the Commission has waived filing fees on that basis.<sup>3</sup>

In the instant case, the United States Bankruptcy Court for the Northern District of Texas, Amarillo Division, has appointed Kent Ries: (i) Trustee of the Chapter 7 bankruptcy estate of Joel Keppel Williamson, 100% owner of North River Investments, Inc., the licensee of KDDD(AM) and KDDD-FM, Dumas, TX, in Case No. 04-20973-rlj7; and (ii) Trustee of the Chapter 7 bankruptcy estate of North River Investments, Inc., in Case No. 05-20123-rlj7. *See* Exhibits 1 and 2 hereto. The Audio Division of the FCC's Media Bureau consented to involuntary transfer of control of North River Investments, Inc. to Kent Ries, Trustee for Bankruptcy Estate of Joel Williamson, under FCC File Nos. BTC-20050307ABF/BTCH-20050307ABG, which was completed on March 18, 2005.

Based on the foregoing, it is respectfully submitted that the Chapter 7 Bankruptcy of the licensee and its 100% shareholder establishes good cause to waive the \$150 filing fee that otherwise would be applicable to the subject filing. It is further submitted that, in accordance with the above-cited Commission case precedent<sup>4</sup>, grant of the requested

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<sup>2</sup> *Memorandum Opinion and Order*, "Implementation of Section 9 of the Communications Act Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year," 10 FCC Rcd 12759 at para. 14 (1995).

<sup>3</sup> *See e.g., Mobilemedia Corporation*, 14 FCC Rcd 8017 at para. 40 (1999) ("[W]aiver of the fee will serve the public interest by enabling Mobilemedia to preserve assets that will accrue to innocent creditors.")

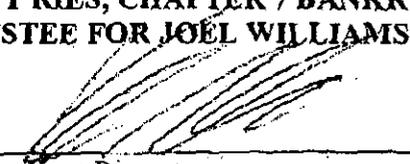
<sup>4</sup> *See* Note 3, *supra*.

waiver will serve the public interest by enabling the Trustee to preserve assets that will accrue to innocent creditors.

WHEREFORE, the premises considered, it is respectfully submitted that the instant request for filing fee waiver should be granted.

Respectfully submitted,

**KENT RIES, CHAPTER 7 BANKRUPTCY  
TRUSTEE FOR JOEL WILLIAMSON**

By: 

Kent Ries  
600 S. Tyler, Suite 1300  
Amarillo, TX 79101  
(806) 242-7437  
kent@kentries.com

Dated: 3/29/2005

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 21 2007

OFFICE OF  
MANAGING DIRECTOR

Jeffrey L. Timmons  
Jeffrey L. Timmons, P.C.  
Counsel for KM Television  
of Flagstaff, L.L.C.  
1400 Buford Highway, Suite G-5  
Sugar Hill, Georgia 30518-8727

Re: KCFG (TV), Flagstaff, Arizona  
Request for Waiver of FY 2007  
Regulatory Fee  
Fee Control No. 0709189365898995

Dear Mr. Timmons:

This responds to your Letter filed on September 19, 2007, requesting waiver or reduction of the regulatory fee for fiscal year (FY) 2007 for KM Television of Flagstaff, L.L.C. (KM Flagstaff), licensee of television station KCFG-TV (KCFG), Flagstaff, Arizona (Letter).<sup>1</sup> In support of fee reduction, you assert that KCFG was assessed a fee of \$46,350, due for stations in DMA markets 11-25, but should be assessed a fee of \$5,125, due for stations in "Remaining Markets."<sup>2</sup> Alternatively, you request a full waiver on grounds of financial hardship.<sup>3</sup> Our records show that KM Flagstaff has paid \$5,125 in FY 2007 regulatory fees for KCFG. As explained below, we grant your request for waiver in full.

In support of your request for a full waiver based on financial hardship, you attach a summary of revenues and expenses, and a summary of assets and liabilities, for KM Flagstaff for calendar year 2006.<sup>4</sup> You state that KCFG is a new station that began broadcasting only in December 2000, has not been able to realistically market or promote the station or sell advertising, and has generated virtually no revenue.<sup>5</sup> You also state that KM Flagstaff spent approximately \$600,000 during 2006 toward building out its full DTV facilities, which are due for completion by November 17, 2007.<sup>6</sup> Finally, you state that KM Flagstaff required loans totaling \$694,143.07 from its owner to cover KCFG's

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<sup>1</sup> Letter from Jeffrey L. Timmons, Jeffrey L. Timmons, P.C. (filed Sept. 19, 2007) (Letter).

<sup>2</sup> *Id.* at 1-2.

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

<sup>4</sup> *Id.*, Exhibit A.

<sup>5</sup> Letter at 3.

<sup>6</sup> *Id.*

2004 operating expenses, and has made no payments to the owner or to any other principal since the station was constructed and began operating.<sup>7</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). 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 the financial documentation you submitted indicates that KM Flagstaff had expenses of over \$220,000 in 2006 without corresponding income from revenues. Thus, the licensee experienced a financial deficit in 2006 without regard to any deduction for depreciation or payments to any principal or officer of the station. Therefore, your request for a waiver of the regulatory fee for FY 2007 is granted in full.<sup>8</sup> Accordingly, we also grant KM Flagstaff a refund of the \$5,125 that it paid in connection with the FY 2007 regulatory fee. This waiver, however, is limited to the FY 2007 regulatory fee. If KM Flagstaff continues to experience financial hardship, you may request waiver of the fees for succeeding years only if supported by appropriate documentation.

A check made payable to the maker of the original check and drawn in the amount of \$5,125, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please contact the Revenue and Receivable Operations Group at (202) 418-1995.

Sincerely,



✓ Mark Stephens  
Chief Financial Officer

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<sup>7</sup> *Id.*

<sup>8</sup> In light of this result, it is unnecessary to address your "Remaining Markets" argument for fee reduction.

9705

ORIGINAL

JEFFREY L. TIMMONS, P.C.  
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SEP 25 2007

~~RROG-07-000~~

September 18, 2007

RECEIVED & INSPECTED  
SEP 19 2007  
FCC - MAILROOM

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

RROG-08-00009705 SEP 19 2007

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

Dear FCC:

KM Television of Flagstaff, L.L.C. ("KM"), licensee of full power commercial television station KCFG(TV), Flagstaff, Arizona (Facility ID No. 35104, "KCFG"), by its counsel, and pursuant to the Commission's Regulatory Fees Fact Sheet, Waivers, Reductions and Deferrals of Regulatory Fees (dated August 2007, the "Waiver Fact Sheet"), respectfully requests the waiver of, or in the alternative, a reduction in, the annual regulatory fee to be paid by KM for KCFG for fiscal year 2007. The Waiver Fact Sheet states that the Commission will consider the waiver or reduction of annual regulatory fees in extraordinary and compelling circumstances, upon a showing that such a waiver or reduction would serve the public interest. For the reasons stated herein, KM also respectfully requests that the Commission defer payment of the regulatory fee until the Commission acts upon this request for waiver; however, KM is timely paying (i.e., by September 19, 2007) the reduced regulatory fee of \$5,125.00 proposed herein.<sup>1</sup>

KM completed construction and first put KCFG on the air as a new full power commercial television station in December 2000. Since KCFG and Flagstaff are assigned to the Phoenix, Arizona Designated Market Area ("DMA"), which ranks as DMA No. 16, see 2003 *Television Yearbook* at 148 ("2003 Yearbook"), the regulatory fee for KCFG for 2007 normally would be \$46,350. See Regulatory Fees Fact Sheet, What You Owe - Media Services Licensees for FY 2006 at 3 (\$46,350 regulatory fee for commercial VHF stations in DMA markets 11-25) (the "Media Services Fact Sheet").

<sup>1</sup> KM has filed similar requests for waiver or reduction of the annual regulatory fees due for KCFG for Fiscal Years 2002, 2003, 2004, 2005 and 2006, and on each prior occasion the Commission has granted a waiver of the fee, on the same circumstances as presented herein.

Assessing KCFG with the \$46,350 annual regulatory fee due for a DMA 11-25 station does not reflect the realities of KCFG's service area, market and economic situation, and therefore the regulatory fees should be reduced for fiscal year 2007, if not waived completely (as in recent years). KCFG currently is licensed and operates with only 1 kilowatt effective radiated power ("ERP") due to a power restriction at its antenna site, and as a result KCFG is predicted to serve a population of only 74,677 persons (1990 U.S. Census) within its predicted Grade B contour,<sup>2</sup> which is only a small fraction (about 2%) as compared to the 1,524,000 households in the Phoenix DMA. See 2003 Yearbook at 148. Flagstaff itself has a current (2000 U.S. Census) population of only 52,894 persons, as compared to the 1,321,045 person population of Phoenix (the principal community in the Phoenix DMA, and where the vast majority of the population in the DMA resides).

Since Flagstaff is more than 130 miles from Phoenix, with mountain terrain between the two communities, KCFG can not expect to serve Phoenix with an off-the-air signal. Nor would KM likely be successful in reaching Phoenix-area viewers by gaining mandatory carriage (or "must carry") of KCFG on Phoenix-area cable television systems; the Commission has typically found in favor of Phoenix cable television systems seeking to delete Flagstaff stations from their mandatory carriage obligations under market modification requests.<sup>3</sup> Accordingly, since KCFG does not serve, and indeed is unable to serve or expect to serve, Phoenix or much of the Phoenix DMA, the annual regulatory fee for KCFG should be reduced, if not waived. Specifically, KM proposes that the annual regulatory fee be reduced to the \$5,125 due from commercial VHF stations in "Remaining Markets" (i.e., DMA markets ranked below the top 100 DMAs), see Media Services Fact Sheet at 3, which more accurately reflects the current and potential service area, or "market", of KCFG.

Assessing KCFG the \$46,350 fee due from Phoenix DMA No. 16 stations would ignore the facts and market realities faced by KM and KCFG, and would harm the service that may be offered by KCFG, and would also impose a financial hardship on KM; therefore, not only should the regulatory fee for KCFG be reduced to \$5,125 (or waived entirely), KM should also be granted a deferment from paying the full \$46,350 that otherwise would be due from a commercial VHF station in DMA 11-25, pending a decision on this reduction or waiver request.

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

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

Attached hereto as Exhibit A are an unaudited Statement of Revenues and Expenses (or "profit and loss" statement, the "P&L") for KM for calendar year 2006 (which is also KM's fiscal year, and is the most recent full year for which financial statements are available for KM) and a Statement of Assets, Liabilities and Equity (or "Balance Sheet") as of December 31, 2006 for KM, certified as accurate by an officer of KM. The P&L reflects that KM suffered a loss of \$220,509.87 on KCFG in 2006, with almost no income or revenues generated by the station. The poor financial condition of KM and KCFG reflects that the station is a new station that just commenced broadcasting in December 2000; was able to secure and commence broadcasting the America One Network programming (which as a fringe network has yet to generate any advertising revenue for the station) in January 2002; and due to the currently weak signal of KCFG (1 kilowatt ERP, due to the transmitter site limitation) and relatively weak programming, the station has not been able to realistically market or promote the station or sell advertising. KM was able to continue to operate KCFG in 2006 only by loans totaling \$694,143.07 (net) from KM's principal and 100% owner, Mrs. Myoung Hwa Bae (or other entities 100% owned by Mrs. Bae) to KM during 2006 to cover its operating expenses.<sup>4</sup> No net payments (including no payroll payments) have been made by KM or KCFG to Mrs. Bae, or to any entity in which Mrs. Bae has any interest, or to any other principal or owner of KM or KCFG, in 2006 or since the station was constructed and has been operating.

KM's financial hardship with KCFG has been further exacerbated by KM's expenditure of over \$100,000 (see File No. BEPCDT-20020430ABI) in the spring of 2002 to construct and implement digital television ("DTV") facilities for KCFG (under special temporary authority, see File Nos. BDSTA-20020422ABC, as extended by BEPCDT-20020430ABI) to meet the May 1, 2002 deadline for commercial stations to have their DTV signals on the air. KM also has expended considerable funds, approximately \$600,000, in 2006 toward building out its full DTV facilities, which are due to be completed by November 17, 2007.

In short, KM's current financial hardship in operating KCFG, as well as the implementation of its planned service improvements for its DTV facilities, would make it unduly burdensome for KM to pay the \$46,350 regulatory fee that would be due from a Phoenix DMA station, in addition to the inequities that arise from KCFG and Flagstaff -- which essentially are a small market station in a small market -- happening to fall in the Phoenix DMA, DMA No. 16. Even payment of the \$46,350 and awaiting a refund later would impose a severe financial hardship on KCFG, and would reduce service to the community by severely hampering KM's ability to implement its conversion to DTV.

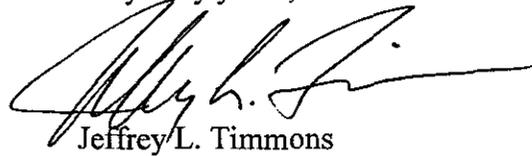
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<sup>4</sup> The attached Balance Sheet as of December 31, 2006 reflects the total amount of the "Loan from Mrs. Bae", "Loans from [KMLPTV of] Chicago-13[, L.L.C.]", "Loans from [KMLPTV of] Chicago-28[, L.L.C.]" and "Due to KM Communications[, Inc.]" - - the latter three entities being entities 100% owned by Mrs. Bae - - as being \$1,414,309.54 (net), which is \$694,143.07 more in net loans than the \$720,166.47 reflected as loans from or due to Mrs. Bae or such entities on the balance sheet as of December 31, 2005, a copy of which was attached to the 2006 waiver request. KM notes that the sharp increase in expenses is associated primarily with the costs of ordering digital television ("DTV") transmission equipment necessary to KCFG's transition to digital, which must be completed by November of this year.

Accordingly, for the reasons stated herein, KM respectfully requests that the Commission reduce the annual regulatory fee due from KM for KCFG for fiscal year 2007 from \$46,350 to \$5,125 (or waive the fee entirely). KM also requests that the Commission defer the deadline by which KM must pay such annual regulatory fee, based on the financial hardship and reduction of service factors demonstrated herein; however, KM is timely paying its proposed reduced fee of \$5,125 by the September 19, 2007 payment deadline.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey L. Timmons", written over a horizontal line.

Jeffrey L. Timmons

Attachment

cc: Mrs. Myoung Hwa Bae