



PUBLIC NOTICE

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

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Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA-08-277

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

PUBLIC NOTICE

Released: February 1, 2008

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:

Alan M. Davick, MD Station WDA7896 – Request for waiver regulatory and application fees. **Granted** (January 9, 2008) [*See* 47 U.S.C. §159(d); 47 C.F.R. §1.1166]

Baldwin Broadcasting Company Station WAVH (FM) - Request for waiver of FYs 2005, 2006 and 2007 regulatory fees. **Granted** (January 9, 2008) [*See* Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995)]

Expanets of NA, LLC Request for waiver of FY 2003 regulatory fee late payment penalty. **Denied** (January 9, 2008) [*See* Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995)]

Georgia-Carolina Radiocasting Company, LLC Station W234BF - Request for waiver and refund of FY 2007 regulatory fee. **Granted** (December 18, 2007) [*See* Assessment and Collection of Regulatory Fees for Fiscal Year 2007, 20 WL 2241209, ¶ 52 (2007)]

Georgia-Carolina Radiocasting Company, LLC Station W269BN - Request for waiver and refund of FY 2007 regulatory fee. **Granted** (December 18, 2007) [*See* Assessment and Collection of Regulatory Fees for Fiscal Year 2007, 20 WL 2241209, ¶ 52 (2007)]

Georgia-Carolina Radiocasting Company, LLC Station W226AU - Request for waiver and refund of FY 2007 regulatory fee. **Granted** (December 18, 2007) [*See* Assessment and Collection of Regulatory Fees for Fiscal Year 2007, 20 WL 2241209, ¶ 52 (2007)]

Georgia-Carolina Radiocasting Company, LLC Station W240BC - Request for waiver and refund of FY 2007 regulatory fee. **Granted** (December 18, 2007) [See Assessment and Collection of Regulatory Fees for Fiscal Year 2007, 20 WL 2241209, ¶ 52 (2007)]

Hispanic Christian Community Station K52JO Request for refund of FY 2007 regulatory fee. **Granted** (December 18, 2007) [See Assessment and Collection of Regulatory Fees for Fiscal Year 2007, 20 WL 2241209, ¶ 52 (2007)]

Hispanic Christian Community Station WNGA-LP - Request for refund of FY 2007 regulatory fee. **Granted** (December 18, 2007) [See Assessment and Collection of Regulatory Fees for Fiscal Year 2007, 20 WL 2241209, ¶ 52 (2007)]

International Sound Corporation - Request for waiver of FY 2005 regulatory fee late payment penalty. **Denied** (December 18, 2007) [See 47 C.F.R. §1.1164]

Meridian Communications - Request for waiver application fee. **Granted** (December 20, 2007) [See 47 C.F.R. §73.3598(b)(ii)]

Minden Television Company, LLC KPXJ - Request for waiver of FY 06 regulatory fee. **Granted** (December 18, 2007) [See Assessment and Collection of Regulatory Fees for Fiscal Year 2005, 20 FCC Rcd at 12266-67, and 12273, paras. 18-19, 23, and 46a (2005)]

Northwest Airlines, Inc - Request for refund of application fees. **Granted** (December 18, 2007) [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)]

Office Partners, Inc - Request for waiver of FY 2003 regulatory fee. **Denied** (January 9, 2008) [See 47 U.S.C. §159(d); 47 C.F.R. §1.1166]

On Top Communications of Louisiana, LLC- Request for waiver of FY 2007 regulatory fee. **Granted** (January 9, 2008) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995)]

Open Peak Inc - Request for refund of application fees. **Denied** (January 10, 2008) [See 47 C.F.R. §2.917(c)]

Seattle Streaming Radio, LLC Station KLDY- Request for refund of FY 2007 regulatory fees. **Denied** (December 18, 2007) [See Assessment and Collection of Regulatory Fees for Fiscal Year 2005 and Assessment and Collection of Regulatory Fees for Fiscal Year 2004, 20 FCC Rcd 12259, para. 22 (2005)]

Star Broadcasting, Inc Stations WTKE(FM) and WLO608, Holt, Florida, WTKE(AM) and WMU216, Fort Walton Beach, Florida, WRKN(FM), Niceville, Florida, and WPGG(AM), Evergreen, Alabama - Request for waiver of FY 2007 regulatory fees. **Granted** (December 18, 2007) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995)]

Tide Radio Station KTDE (FM) - Request for waiver of late payment penalty. **Denied** (December 20, 2007) [See 47 C.F.R. §1.1164]

Thornburg Communications, Inc WWBF (AM) - Request for waiver of FY 2007 regulatory fee late payment penalty. **Denied** (January 9, 2008) [See 47 C.F.R. §1.1164]

Wireless Telecommunications, Inc - Request for waiver and deferral of FY 2007 regulatory fees. **Granted** (January 9, 2008) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (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

JAN 9 2008

OFFICE OF
MANAGING DIRECTOR

Alan M. Davick, M.D.,
210 Wintergull Lane
Annapolis, MD 21401-5759

Re: Station WDA7896
Request for Waiver of Fees ✓
Fee Control No. RROG-08-00008499

Dear Dr. Davick:

This letter responds to your request dated July 14, 2003 (*Request*), which was resubmitted May 21, 2007, for a waiver of the \$50.00 application fee and the \$100.00 regulatory fees associated with a ten-year license for shipboard radio station WDA7896.¹ Our records reflect that you have not paid the \$150.00 fees. For the reasons set forth below, we grant your request in part.

You recite that "call sign WDA7896 . . . was applied for by mistake . . . [and that t]he error was realized when a Bill for Collection . . . was received."² You state that you had been advised by the dealer, from whom . . . [you purchased your boat], that a call sign for a VHF radio included in the sale, though optional, was preferred by the FCC."³ You say that you were "advised as well, apparently incorrectly, that no fee was involved . . . [and you] applied online for the call sign."⁴ You assert that "[t]he various online pages of the application seemed to offer this 'free service' as an option . . . [and that you were] surprised to learn of a \$150 fee[.]"⁵

¹ The regulatory fee at issue here is considered a "small fee" and, absent a waiver or exemption, is collected in advance for the entire ten-year license term and remitted when the license application is filed (*i.e.*, \$10.00 for each year of the license for a total of \$100.00). See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, paras. 36 and 38 (1994), *on recon.*, 10 FCC Rcd 12759 (1995); 47 C.F.R. §1.1152, Note 1; see also 47 C.F.R. §1.1152(4) (Shared Use Services: Marine Ship) and 47 C.F.R. §1.1102(3) (Ship) (\$50.00 application fee).

² *Request* at 1.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

Our records reflect that on April 19, 2002, you filed a *Quick-Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted and Commercial Operator, and General Mobile Radio Services, FCC 605, Main Form (Application)* for a ten-year "recreational or voluntarily-equipped" license for a shipboard radio under Part 80 of the Commission's rules, 47 C.F.R. Part 80.⁶ On the *Application*, you indicated that you were exempt from FCC application and regulatory fees⁷ and that the ship would not be making international voyages or communicating with foreign coast stations.⁸ The Commission granted the application for Station WDA7896 on April 4, 2002. On July 14, 2003, you filed an application to cancel the license for Station WDA7896, which the Commission granted on July 14, 2003.

The Commission may waive, reduce, or defer regulatory fees only upon a showing of good cause and a finding that the public interest will be served thereby.⁹ We grant a waiver of the regulatory fees for the last eight unexpired full years of the ten-year license for Station WDA7896 (*i.e.*, \$10.00 times eight years equals \$80.00), but we find that you are not entitled to a waiver of the regulatory fees for the first two years of the license for Station WDA7896 (*i.e.*, \$10.00 times two years equals \$20.00) because you held the license for Station WDA7896 from April 20, 2002, until July 14, 2003.¹⁰

Your assertion that the boat dealer gave you incorrect licensing advice and that the "online pages of the application" were unclear provide no support for a waiver of our rules with respect to the application fee or regulatory fee associated with the first two years of the license. Although you may not have been aware of or fully understood the Communications Act or the Commission's rules regarding these fees, our licensees are expected to know and understand the requirements and rules governing their licenses. In

⁶ See *Application*, Line 1 (designating radio service code "SA," which is the designation for a voluntarily-equipped or recreational ship radio service under 47 C.F.R. Part 80); see also Instructions for *Form 605*.

⁷ See *Application*, Lines 25 and 26.

⁸ See *Application*, Schedule B, Lines 9 and 10.

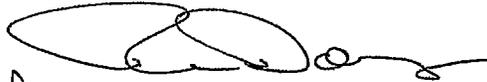
⁹ See 47 U.S.C. §159(d); 47 C.F.R. §1.1166; see also *Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Report and Order*, 9 FCC Rcd 5333, 5344 (1994), *on recon.*, *Memorandum Opinion and Order*, 10 FCC Rcd 12759, 12761 (1995) (regulatory fees may be waived, deferred, or reduced on a case-by-case basis in extraordinary and compelling circumstances upon a clear showing that a waiver would override the public interest in reimbursing the Commission for its regulatory costs).

¹⁰ See also 47 C.F.R. §1.1160(a)(2) ("[i]n the case of advance payment of regulatory fees, subject to section 1.1152, a refund will be issued based on *unexpired full years*: . . . (ii) When a licensee in the wireless radio service surrenders the license or other authorization subject to a fee payment to the Commission[.]") (Emphasis provided.)).

Amendment of Parts 80 and 87 of the Commission's Rules to Permit Operation of Certain Domestic Ship and Aircraft Radio Stations Without Individual Licenses, 11 FCC Rcd 14849, 14849 (1996), the Commission eliminated "individual radio licensing requirements for ship stations [such as yours] . . . that operate domestically and are not required by statute or treaty to carry a radio (hereafter referred to as "exempt vessels[?])."¹¹ Although the Commission has eliminated the licensing requirements associated with exempt vessels, it did not eliminate the regulatory and application fees associated with applications for shipboard radio licenses filed by owners (such as yourself) of otherwise exempt vessels. We therefore deny your request for waiver of regulatory fees associated with the first two years of the license for Station WDA7896. For the same reason, we deny your request for waiver of the \$50.00 application fee associated with Station WDA7896.¹²

Accordingly, your request for waiver is granted in part. Payment of the \$20.00 regulatory fees and the \$50.00 application fee is now due. The regulatory and application fees (*i.e.*, \$70.00) 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 matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

Enclosure.

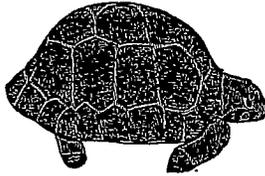
¹¹ See also Federal Communications Commission, WTB Releases Fact Sheet on New Ship Radio Licensing Procedures, 1996 WL 689017 (Dec. 2, 1996).

¹² The Commission has discretion to waive filing fees upon a showing of good cause and a finding that the public interest will be served thereby. See 47 U.S.C. §158(d)(2); 47 C.F.R. §1.1117(a); *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 5 FCC Rcd 3558, 3572-73 (1990). We construe our waiver authority under section 8 of the Communications Act, 47 U.S.C. §158(d)(2), narrowly and will grant waivers on a case-by-case basis to specific applicants upon a showing of "extraordinary and compelling circumstances." See *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 2 FCC Rcd 947, 958 (1987) (1987 Report and Order); *Sirius Satellite Radio, Inc.*, 18 FCC Rcd 12551 (2003).

Barbara & Alan Davick

210 Wintergull Lane, Annapolis, MD 21401-5759

Tel: (410) 757-8251 Fax: (410) 757-7221



RROG-08-00008499

7/14/03

Federal Communications Commission
RROG, Financial Operation Center
P.O. Box 358325
Pittsburgh, PA 15251-5325

FRN#: 0006930655
File#: 0000856410
Call Sign: WDA7896

To Whom It May Concern;

Enclosed please find a copy of Online Cancellation for a call sign **WDA7896** which was applied for by mistake. The error was realized when a **Bill For Collection**, also enclosed, was received.

I had been advised by the dealer, from whom I purchased a 17 foot runabout, that a call sign for a VHF radio included in the sale, though optional, was preferred by the FCC. I was advised as well, apparently incorrectly, that no fee was involved. Acting as a responsible citizen, I applied online for the call sign. The various online pages of the application seemed to offer this "free service" as an option. Later, I was surprised to learn of a \$150 fee!

I am hereby relinquishing the call sign (as attested by the enclosed Cancellation) and respectfully request that all fees be waived.

Thank you for your assistance.

Sincerely,

Alan M. Davick, M.D.

AM

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 9 2008

OFFICE OF
MANAGING DIRECTOR

Stuart W. Nolan, Jr., Esq.
Wood, Maines & Nolan
4121 Wilson Blvd., Suite 101
Arlington, Virginia 22203-4143

Re: Request for Waiver of FYs 2005, 2006, ✓
and 2007 Regulatory Fees
Station WAVH (FM), Daphne, Alabama
Fee Control No. RROG-07-00009698

Dear Mr. Nolan:

This responds to your letter filed September 19, 2006 (*2006 Request*) on behalf of Baldwin Broadcasting Company, D.I.P. (Baldwin DIP) and your letter filed on September 19, 2007 (*2007 Request*) (collectively, *Requests*)¹ on behalf of Baldwin Broadcasting Company, Reorganized Debtor under Chapter 11 of the United States Bankruptcy Code (Reorganized Baldwin),² requesting waiver of the regulatory fees for station WAVH (FM), Daphne, Alabama, for Fiscal Years (FYs) 2005, 2006, and 2007. Our records reflect that Baldwin has not paid the regulatory fees at issue here. For the reasons set forth below, we grant Baldwin's request for waiver of the FYs 2005, 2006, and 2007 regulatory fees.

You state that Baldwin entered bankruptcy on November 3, 2000, and remains in bankruptcy.³ In support, you attach a copy of a September 13, 2006, proposed discovery plan submitted to Robert G. Mayer, United States Bankruptcy Judge.⁴ At the request of

¹ See Letter from Stuart W. Nolan, Jr., Esq. to Marlene H. Dortch, Secretary, FCC (Sept. 19, 2007) (*2007 Request*); Letter from Stuart W. Nolan, Jr., Esq. to Marlene H. Dortch, Secretary, FCC (Sept. 19, 2006) (*2006 Request*). Although your *2006 Request* states that a petition for deferral of the FY 2006 fee was submitted concurrently with the waiver request, the Commission has no record of receiving that petition.

² See Letter from Barry Wood, Esq. to Marjorie Bertman (April 20, 2007) (indicating that the licensee is "still in bankruptcy, albeit as 'reorganized debtor' rather than (strictly speaking) a debtor in possession"). We refer to Baldwin DIP and Reorganized Baldwin, the former and current licensee of station WAVH (FM), respectively, as Baldwin.

³ *Requests* at 1.

⁴ See *2006 Request*, Attachment (*Defendant's Proposed Discovery Plan: In re: Barry D. Wood, Debtor*, Case No. 00-14460-RGM, Chapter 11, U.S. Bankruptcy Court for the Eastern District of Virginia, Robert G. Mayer, U.S. Bankruptcy Judge (Sept. 13, 2006)).

Commission staff, you provided additional documentation⁵ to show that Baldwin's bankruptcy proceedings were still ongoing on September 19, 2006, the FY 2006 regulatory fee deadline.⁶ With respect to FY 2007, you state that "[f]urther details as to the status of the Chapter 11 proceeding may be found in the applications (File Nos. BALH-20001120AAD and BALH-20001120ABJ) for assignment of the subject licenses to the estate in bankruptcy, and in the applications (File Nos. BALH-20020522AAJ and BALH-20020522AAK) by which Baldwin requested the Commission's consent to the assignment of the estate's licenses to Cumulus Licensing Corp. and .com+, LLC, respectively."⁷

The Commission has determined that it will waive regulatory fees for licensees who are bankrupt or are in receivership at the time the fees are due.⁸ Based upon the entire record before us, including our previous decisions granting Baldwin waivers of the regulatory fees based on bankruptcy,⁹ your statement that Baldwin has been in bankruptcy since November 3, 2000,¹⁰ and your representations that as of September 19,

⁵ See *Amended Notice of Hearing on Debtor's Motion for Approval of Distribution of Funds from Sale of WZEW, In re: Barry D. Wood, Debtor*, Case No. 00-14460-RGM, Chapter 11, U.S. Bankruptcy Court, Eastern District of Virginia, setting forth that a hearing for the titled purpose would be held on April 25, 2007 before that Bankruptcy Court.

⁶ See *Public Notice, Payment Methods and Procedures for Fiscal Year 2006 Regulatory Fees*, 21 FCC Rcd 9514 (2006) (stating that licensees and regulatees must make annual regulatory fees payments by 11:59 PM September 19, 2006); see also *Public Notice, FY 2006 Regulatory Fees Due No Later Than September 19, 2006* (July 31, 2006).

⁷ See *2007 Request* at 1 (stating that "those applications were never granted . . . [and that] [s]ubsequently, a new agreement for sale of the companion station [*i.e.*, station WZEW (FM)] was reached and approved by the Bankruptcy Court last year.").

⁸ See *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995).

⁹ See, e.g., Letter from Mark A. Reger, Chief Financial Officer CFO, FCC, to Stuart W. Nolan, Jr., Esq. (May 25, 2005) (granting Baldwin DIP a waiver of FYs 2003 and 2004 regulatory fees for stations WAVH (FM) and WZEW (FM), Fairhope, Alabama, on the grounds of bankruptcy) (*May 25, 2005 Letter*); Letter from Mark Stephens, CFO, FCC, to Stuart W. Nolan, Jr., Esq. (Sept. 19, 2007) (granting Baldwin DIP's request for waiver of the FY 2006 regulatory fees for station WZEW (FM), Fairhope, Alabama, on the grounds that Baldwin DIP was in bankruptcy on the date the FY 2006 regulatory fees were due).

¹⁰ See *May 25, 2005 Letter* at 1.

Stuart W. Nolan, Jr., Esq.

3.

2007, the FY 2007 regulatory fee deadline,¹¹ Baldwin and WAVH remain under Chapter 11 protection, we grant Baldwin a waiver of the regulatory fees for station WAVH (FM) for FYs 2005, 2006, and 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

¹¹ See *Public Notice, FY 2007 Regulatory Fees Due No Later Than September 19, 2007* (Aug. 13, 2007); *Public Notice, Fee Filer Now Available for Regulatory Fees*, 22 FCC Rcd 16051, 16051 (Aug. 23, 2007).

RROG-07-00009698

9698

WOOD, MAINES & NOLAN

CHARTERED

ATTORNEYS AT LAW

2007 SEP 20 10 21 AM
4121 WILSON BLVD., SUITE 101
ARLINGTON, VIRGINIA 22203-4143

BARRY D. WOOD*
RONALD D. MAINES*
STUART W. NOLAN, JR
*Admitted in the District of Columbia
only

TELEPHONE - (703) 465-2361
FACSIMILE - (703) 465-2365
E-MAIL - WOOD@LEGALCOMPASS.COM
WEB - WWW.LEGALCOMPASS.COM

September 19, 2007

FILED/ACCEPTED

SEP 19 2007

Federal Communications Commission
Office of the Secretary

SEP 24 2007
Marlene H. Dortch, Secretary
Federal Communications Commission
445 10th Street, S.W.
Washington, D.C. 20554

Attn: Office of Managing Director

Re: Baldwin Broadcasting Company (FRN 003788668)
WAVH(FM), Daphne, Alabama; Facility ID No. 3636

Dear Ms. Dortch:

On behalf of our client, Baldwin Broadcasting Company, Reorganized Debtor under Chapter 11 of the United States Bankruptcy Code ("Baldwin"), licensee of the above-referenced station, we hereby request confirmation, for federal fiscal years 2005 through 2007, that regulatory fees are waived for this station.

Baldwin remains under the protection of Chapter 11 of the U.S. Bankruptcy Code (11 U.S.C. §§ 1101, *et seq.*) as the result of a petition filed in the United States Bankruptcy Court for the Eastern District of Virginia on November 3, 2000 (Case No. 00-14460RGM). Further details as to the status of the Chapter 11 proceeding may be found in the applications (File Nos. BALH-20001120AAD and BALH-20001120ABJ) for assignment of the subject licenses to the estate in bankruptcy, and in the applications (File Nos. BALH-20020522AAJ and BALH-20020522AAK) by which Baldwin requested the Commission's consent to the assignment of the estate's licenses to Cumulus Licensing Corp. and .com+, LLC, respectively. Unfortunately, those applications were never granted. As the result of the lack of action by the Commission, the proposed purchasers terminated the underlying asset purchase agreements, and the applications were dismissed. Subsequently, a new agreement for sale of

Claudette E. Pride
September 19, 2007
Page 2

the companion station to WAVH was reached and approved by the Bankruptcy Court last year. Despite agonizing delays in FCC processing, a grant was finally obtained last February, and the transaction closed in May. Substantially all of the proceeds from that sale went to pay creditors and defray operating losses.

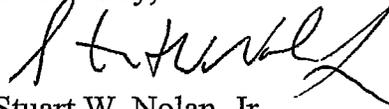
WAVH continues in the Chapter 11 proceeding. Since April 30, 2006, when Cumulus terminated the Local Marketing Agreement under which the station had operated for almost four years, WAVH has had to set up new studios, hire a new staff, and essentially create a new radio station, while operating under the stigma of bankruptcy. Operating losses have resulted.

Under applicable FCC policy, an entity in bankruptcy qualifies for a waiver of regulatory fees. *See Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, 68 FED. REG. 17577 (2003). To the extent that Baldwin must formally request a waiver of the regulatory fee requirement for the noted years, we hereby request such a waiver.

In view of the foregoing, Baldwin should not be required to submit regulatory fees for FY2007, or for any other year (including 2005 and 2006) in which Baldwin has been in Chapter 11. We would appreciate confirmation of this fact by a grant of this waiver request.

Please contact the undersigned if you require additional documentation of Baldwin's status, or if you have any questions regarding this matter.

Yours truly,



Stuart W. Nolan, Jr.

Counsel for

Baldwin Broadcasting Company

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 9 2008

OFFICE OF
MANAGING DIRECTOR

Kendall Kliewer
Former Vice President of Netexit, Inc.
125 S. Dakota Ave.
Sioux Falls, SD 57104-6403

Re: Expanets of NA, LLC
FY 2003 Regulatory Fee
Fee Control No. RROG-08-00009825

Dear Mr. Kliewer:

This letter responds to your request dated June 19, 2007 (*Request*), on behalf of Expanets of NA, LLC (Expanets), for a waiver of the fiscal year (FY) 2003 regulatory fee and the penalty for late payment of the regulatory fee. Our records reflect that Expanets paid neither the \$831.84 regulatory fee nor the \$207.96 penalty. For the reasons set forth below, we deny your request.

In your request, you recite that “[o]n November 25, 2003, Expanets sold its assets and changed its name to Netexit, Inc. (Netexit).”¹ You state that “[o]n May 4, 2004, Netexit filed for protection under Chapter 11 of the U.S. Bankruptcy Code.”² You say that “Netexit was liquidated and the bankruptcy case was closed on April 10, 2006.”³ You submit a copy of the *Final Decree with Respect to Debtors’ Cases and Order on Motion of Reorganized Debtor for Final Decree Closing These Cases (Final Decree)*.⁴

The Commission has determined that it will waive regulatory fees for licensees who are bankrupt or are in receivership at the time the fees are due.⁵ Because Expanets was not in bankruptcy and held the license at issue on the date that the FY 2003 regulatory fee was due (*i.e.*, September 25, 2003), the fact that two months later on November 25, 2003, Expanets sold its assets and changed its name to Netexit (a company which filed for

¹ *Request* at 1.

² *Id.*

³ *Id.*

⁴ United States Bankruptcy Court for the District of Delaware, Netexit, Inc. f/k/a Expanets, Inc., *Final Decree*, (April 10, 2006).

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

bankruptcy on May 4, 2004, more than seven months after the due date) does not relieve Expanets of the responsibility for payment of the regulatory fee or the associated late payment penalty.⁶ We therefore deny your request for waiver of the regulatory fee. The Communications Act of 1934, as amended, requires the Commission to assess a penalty of 25 percent on any regulatory fee not paid in a timely manner.⁷ It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.⁸ Your request does not indicate or substantiate that Expanets met this obligation. We therefore deny your request for waiver of the late payment penalty.

Payment of the \$831.84 regulatory fee and the \$207.96 penalty is now due. The FY 2003 regulatory fee and the late payment penalty should be filed with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

Enclosure

⁶ See *Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, 18 FCC Rcd 15985, 15993-94, para. 32(b) (2003) ("where a license or permit is transferred or assigned after October 1, 2002, responsibility for payment rests with the holder of the license or permit at the time payment is due").

⁷ 47 U.S.C. §159(c)(1).

⁸ See 47 C.F.R. §1.1164.

Netexit, Inc.

125 S. Dakota Avenue

Sioux Falls, SD 57104-6403

Telephone: 605-978-2908

Facsimile: 605-978-2910

RR06-08-0000 9825

June 19, 2007

Federal Communications Commission
445 12th Street, S.W.
Room 1-A281
Washington, DC 20554

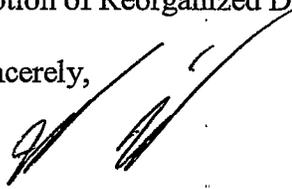
FRN: 0010546802

To Whom It May Concern:

This letter is in response to your notice dated May 15, 2007, requesting a past due amount of \$1,039.80 for Expanets of NA, LLC (Expanets) for the fee date of 3/15/2004 (copy enclosed). On November 25, 2003, Expanets sold its assets and changed its name to Netexit, Inc. (Netexit).

On May 4, 2004, Netexit filed for protection under Chapter 11 of the U.S. Bankruptcy Code. Netexit was liquidated and the bankruptcy case was closed on April 10, 2006. Enclosed is a copy of the Final Decree with Respect to Debtors' Cases and Order on Motion of Reorganized Debtors for Final Decree Closing these Cases.

Sincerely,


Kendall Kliever
Former Vice President of Netexit, Inc.

Enclosure

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FILE

DEC 20 2007

OFFICE OF
MANAGING DIRECTOR

Amie Heath
Station Manager
The Tide Radio
Post Office Box 1557
Gualala, CA 95445

Re: The Tide Radio Station KTDE-FM
Request for Waiver of Late Payment Penalty
for FY 2007 Regulatory Fee
Fee Control No. 0710058835115001

Dear Ms. Heath:

This is in response to your request (*Request*) on behalf of Station KTDE-FM for waiver of the penalty for late payment of the Fiscal Year (FY) 2007 regulatory fee. Our records reflect that you have paid the \$575.00 regulatory fee at issue here, but not the \$143.75 penalty. For the reasons stated herein, we deny your request.

You assert that you sent the FY 2007 regulatory fee to "FCC Regulatory Fees, P O Box 358835, Pittsburg, PA [] on 9/14/07 to make the deadline of Sept. 19, 2007."¹ You state that "[o]n September 25, my certified mail was returned and marked return to sender address unknown."² You say that you "phoned the FCC immediately and was instructed . . . to overnight the returned mail . . . which I did on 9-25-07."³ "[N]ot[ing] postmark on original letter sent[.]"⁴ you submit a copy of the front of the returned certified envelope that contained the FY 2007 regulatory fee (*Returned Envelope*).

The Communications Act of 1934, as amended (the Act), requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.⁵

¹ *Request* at 1.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ See 47 C.F.R. §1.1164.

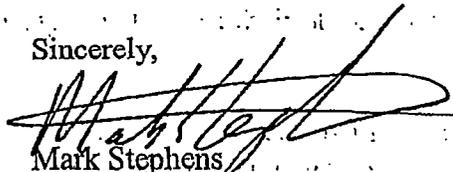
Your assertion that Station KTDE-FM mailed the FY 2007 regulatory fee payment on September 14, 2007, provides neither proof that the Commission received the regulatory fee payment by the September 19, 2006, filing deadline nor, under the circumstances, support for a waiver of the late payment penalty. With respect to your assertion that you mailed the regulatory fee payment in a timely manner, as the Commission stated in *Aerco Broadcasting Corp.*, 16 FCC Rcd 15042, 15043 (2001), section 1.1158 of the Commission's rules

permits payment of regulatory fees in forms that would not be affected by extrinsic factors, such as the uncertainties associated with the timing of mail delivery or the possibility of approaching weather conditions that might slow delivery. [Footnote omitted.] The rules allow electronic transfer of funds, thus providing greater certainty of timely delivery. This permits licensees to account for individual circumstances in choosing how to meet their obligations to make payment in a timely manner.

Because the Commission's rules permit payment of regulatory fees by methods other than mailing, including accessible methods such as electronic transfer,⁶ your claim that the fee was mailed to the correct address in a timely manner fails to establish the extraordinary circumstances that would justify a waiver of the penalty for late payment of the FY 2007 regulatory fee given that the Act requires the Commission to assess a penalty on regulatory fees not paid in a timely manner. Further, although you assert that you mailed the fee to Post Office Box 358835 (which is the correct post office box for mailing the fee), the *Returned Envelope* appears to our review to be erroneously addressed to Post Office Box 358825 and zip code 15251-0835 (while the correct zip code is 15251-5835), which most likely would account for its being stamped "Return to Sender[,] No Such Number[,] Unable to Forward."⁷

Because your request does not indicate or substantiate that Station KTFE-FM submitted the FY 2007 regulatory fee by the September 19, 2006, filing deadline, we deny your request for waiver of the late payment penalty.⁸ If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

⁶ Additional information regarding payment by electronic transfer can be found at <http://www.fcc.gov/fees/electran.html>.

⁷ See *Public Notice, Payment Methods and Procedures for Fiscal Year 2007 Regulatory Fees*, DA 07-3758, 2007 WL 2428680 at 5 (Aug. 28, 2007).

⁸ Our records indicate that the Commission received Station KTDE-FM's FY 2007 regulatory fee on October 5, 2007.



THE TIDE RADIO

KTDE • 100.5FM • GUALALA

P. O. Box 1557
Gualala, CA 95445

(707) 884-1000 Office
(707) 884-1227 Fax
(707) 884-3000 Studio

TO: Amada
FCC
Financial Operations Group

071005883511500

FR: Amie Heath
KTDE-FM 100.5
Station Manager

RE: Request for waiver of 25% late filing fees

I sent our regulatory fees via certified mail to the address provided (FCC Regulatory Fees, P O Box 358835, Pittsburg, PA) on 9/14/07 to make the deadline of Sept 19,2007. On September 25, my certified mail was returned and marked return to sender address unknown. Please note postmark on original letter sent. I phoned the FCC immediately and was instructed by Sherry in the Financial Dept. to overnight the returned mail to Mellon Client Services, 500 Ross St, Room 670, Pittsburg, PA, which I did on 9-25-07 via UPS. As we have provided proof of our efforts to make the deadline - please waive the 25% late fee. Your consideration of this matter is much appreciated.

Sincerely,

Amie Heath
Station Manager
KTDE-FM 100.5
Gualala, California

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

DEC 18 2007

OFFICE OF
MANAGING DIRECTORDan J. Alpert, Esq.
2120 N. 21st Road
Arlington, VA 22201Re: Request for Refund of FY 2007
Regulatory Fee
Station W234BF
Fee Control No. 0709199365899414

Dear Mr. Alpert:

This is in response to your request filed October 5, 2007 (*Request*), on behalf of Georgia-Carolina Radiocasting Company, LLC (G-C), licensee of FM translator station W234BF (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 granted on March 14, 2007, which was after the October 1, 2006 cut-off date."¹ Our records confirm that G-C 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.² We therefore grant your request for a refund of the FY 2007 regulatory fee for FM translator station W234BF.

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

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

² *See Assessment and Collection of Regulatory Fees for Fiscal Year 2007, 20 WL 2241209, ¶ 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.*

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, 2007

RECEIVED - FCC

OCT - 5 2007

Federal Communications Commission
Bureau / Office

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

Re: **2007 Annual Regulatory Fee**
~~Station W234BF~~
~~Facility No. 155761~~

Dear Mr. Fishel:

Georgia-Carolina Radiocasting company, LLC, by its attorney, hereby requests refund of its ~~2007 Annual Regulatory Fee~~. In support thereof, the following is stated.

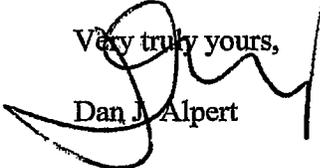
In the Regulatory Fee Fact Sheet (August 2007) issued with respect to Media Services Regulatory Fees for 2007, the FCC stated that with regard to FM translator stations:

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

As reflected by the attached, the license for W234BF was granted on March 14, 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 Georgia-Carolina Radiocasting Company, LLC should be refunded.

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

Very truly yours,


Dan J. Alpert

Counsel for Georgia-Carolina Radiocasting
Company, LLC

FILE

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

DEC 18 2007

OFFICE OF
MANAGING DIRECTOR

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

Re: Request for Refund of FY 2007
Regulatory Fee
Station W269BN
Fee Control No. 0709199365899414

Dear Mr. Alpert:

This is in response to your request filed October 5, 2007 (*Request*), on behalf of Georgia-Carolina Radiocasting Company, LLC (G-C), licensee of FM translator station W269BN (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 granted on July 25, 2007, which was after the October 1, 2006 cut-off date."¹ Our records confirm that G-C 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.² We therefore grant your request for a refund of the FY 2007 regulatory fee for FM translator station W269BN.

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

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

² *See Assessment and Collection of Regulatory Fees for Fiscal Year 2007, 20 WL 2241209, ¶ 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.*

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, 2007

RECEIVED - FCC

OCT - 5 2007

Federal Communications Commission
Bureau / Office

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

Re: **2007 Annual Regulatory Fee**
Station W269BN
Facility No. 138758

Dear Mr. Fishel:

~~Georgia-Carolina Radiocasting Company, LLC~~, by its attorney, hereby requests refund of its 2007 Annual Regulatory Fee. In support thereof, the following is stated.

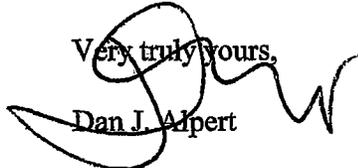
In the Regulatory Fee Fact Sheet (August 2007) issued with respect to Media Services Regulatory Fees for 2007, the FCC stated that with regard to FM translator stations:

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

As reflected by the attached, the license for K269BN was granted on July 25, 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 Georgia-Carolina Radiocasting Company, LLC should be refunded.

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

Very truly yours,


Dan J. Alpert

Counsel for Georgia-Carolina Radiocasting
Company, LLC

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FILE

DEC 18 2007

OFFICE OF
MANAGING DIRECTOR

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

Re: Request for Refund of FY 2007
Regulatory Fee
Station W226AU
Fee Control No. 0709199365899414

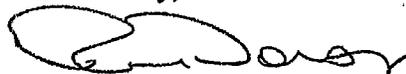
Dear Mr. Alpert:

This is in response to your request filed October 5, 2007 (*Request*), on behalf of Georgia-Carolina Radiocasting Company, LLC (G-C), licensee of FM translator station W226AU (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 W226AU commenced operations on June 20, 2007, and a license has not yet issued, which was after the October 1, 2006 cut-off date."¹ Our records establish that G-C's application for license to cover the construction permit for the Station was accepted for filing on June 26, 2007, and remained pending as of October 24, 2007. Because G-C did not hold a license for the Station on or before October 1, 2006, the company is not required to pay a FY 2007 regulatory fee for the Station.² We therefore grant your request for a refund of the FY 2007 regulatory fee for FM translator station W226AU.

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

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

² *See Assessment and Collection of Regulatory Fees for Fiscal Year 2007, 20 WL 2241209, ¶ 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.*

0709199365899414

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, 2007

RECEIVED - FCC

OCT - 5 2007

Federal Communications Commission
Bureau / Office

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

Re: ~~2007 Annual Regulatory Fee~~
~~Station W226AU~~
~~Facility No. 138393~~

Dear Mr. Fishel:

~~Georgia-Carolina Radiocasting company, LLC~~, 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 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, 2006....

As reflected by the attached, the license for K226AU commenced operations on June 20, 2007, and a license has not yet issued, which was after the October 1, 2006 cut-off date. Therefore, no fee was due, and the ~~\$645~~ Regulatory Fee paid on behalf of Georgia-Carolina Radiocasting Company, LLC should be refunded.

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

Very truly yours,

Dan J. Alpert

Counsel for Georgia-Carolina Radiocasting
Company, LLC