

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 W240BC
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 W240BC (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 15, 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 W240BC.

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.*

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OCT - 5 2007

The Law Office of
Dan J. Alpert

Federal Communications Commission
Bureau / Office

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

(703) 243-8690

(703) 243-8692 (FAX)

September 19, 2007

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

0709199365899414

Re: **2007 Annual Regulatory Fee**
Station W240BC
Facility No. ~~1472553~~

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.

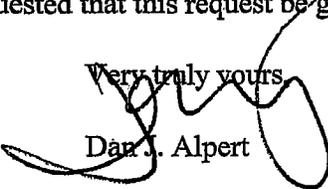
In the Regulatory Fee Fact Sheet (August 2007) issued with respect to Media Services Regulatory Fees for 2007, the FCC stated that with regard to FM translator stations:

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 K240BC was granted on March 15, 2007, which was after the October 1, 2006 cut-off date. Therefore, no fee was due, and the \$245 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 K52JO
Fee Control No. 0709199365899414

Dear Mr. Alpert:

This is in response to your request filed October 5, 2007 (*Request*), on behalf of Hispanic Christian Community Network, Inc. (Hispanic), licensee of LPTV station K52JO (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 K52JO was granted on August 14, 2007, which was after the October 1, 2006 cut-off date."¹ Our records confirm that Hispanic 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 LPTV station K52JO.

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 LPTV . . . licenses . . . whose license was granted before October 1, 2006."); 47 C.F.R. §1.1153.*

0709199365 899414

The Law Office of

Dan J. Alpert

2120 N. 21st Rd.
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September 19, 2007

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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 K52JO
Facility No. 132692

Dear Mr. Fishel:

Hispanic Christian Community Network, 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 K52JO was granted on August 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 Hispanic Christian Community Network, Inc. should be refunded.

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

Very truly yours,

Dan J. Alpert

Counsel for Hispanic Christian Community
Network, Inc.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

DEC 18 2007

FILE

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 WNGA-LP
Fee Control No. 0709199365899414

Dear Mr. Alpert:

This is in response to your request filed October 5, 2007 (*Request*), on behalf of Hispanic Christian Community Network, Inc. (Hispanic), licensee of LPTV station WNGA-LP (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 WNGA-LP was granted on September 10, 2007, which was after the October 1, 2006 cut-off date."¹ Our records confirm that Hispanic 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 LPTV station WNGA-LP.

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 LPTV . . . 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

0709199365 8994114

(703) 243-8690

(703) 243-8692 (FAX)

September 19, 2007

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OCT - 5 2007

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

Federal Communications Commission
Bureau / Office

Re: **2007 Annual Regulatory Fee**
Station WNGA-LP
Facility No. 130442

Dear Mr. Fishel:

Hispanic Christian Community Network, 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 WNGA-LP was granted on September 10, 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 Hispanic Christian Community Network, Inc. should be refunded.

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

Very truly yours,

Dan J. Alpert

Counsel for Hispanic Christian Community
Network, Inc.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

DEC 18 2007

FILE

OFFICE OF
MANAGING DIRECTOR

Golda Schlossberg
International Sound Corporation
7130 Milford Industrial Road
Pikesville, Maryland 21208

Re: International Sound Corporation
Request for Waiver of FY 2005
Regulatory Fee Penalty
Fee Control No. 0601098340899721

Dear Ms. Schlossberg:

This responds to your January 9, 2006 letter requesting waiver of the penalty for late payment of the fiscal year (FY) 2005 regulatory fees for International Sound Corporation in Pikesville, Maryland (Letter).¹ Our records show that the FY 2005 regulatory fees in the amount of \$1,025, and late penalties of \$256.25, have been paid. As explained below, your request is denied.

In your Letter, you state that you are requesting a waiver because you did not receive any bill in August or September of 2005 that the fees were due.² You also state that you only became aware of your outstanding balance on January 9, 2006, the date of your Letter.³

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

¹ Letter from Golda Schlossberg, International Sound Corporation, to Evelyn Jordan, Federal Communications Commission (Jan. 9, 2006).

² *Id.*

³ *Id.*

substantiate that you met this obligation. 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.⁴ Therefore, your request is denied.

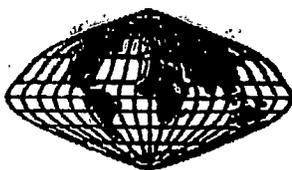
If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

⁴ Among other things, the Commission issued Public Notices announcing the due date for payment of FY 2005 fees. *Public Notice*, July 15, 2005; *Public Notice*, DA 05-2087, July 27, 2005; *Public Notice*, DA 05-2088, August 1, 2005. Please note that the Commission no longer disseminates public notices concerning regulatory fees through surface mail. Public notices, fact sheets and all necessary regulatory fee payment procedure information is provided on the Commission's website at <http://www.fcc.gov/fees>, and will be mailed in hardcopy form upon request to anyone who contacts the FCC Consumer Center at (888) 225-5322. *Public Notice*, September 17, 2003; *Assessment and Collection of Regulatory Fees for Fiscal Year 2004*, MD Docket No. 04-73, Report and Order, 19 FCC Rcd 11662, 11673, paras. 33-34 (2004). In any case, as noted, licensees and regulatees are responsible for timely payment of their regulatory fees, and may obtain all pertinent instructions for making timely payment from the Commission's website.



INTERNATIONAL SOUND CORPORATION

7130 MILFORD INDUSTRIAL ROAD
PIKESVILLE, MARYLAND 21208
1 410 484-2244 • FAX 1 410 484-2499

0601098340899721

0601098340899721

January 9, 2006

Ms. Evelyn Jordan
Federal Communication Commission
Washington, DC 20554

FO WAIVER TRACKING
CNTL# 6376

Dear Ms. Jordan,

Thank you for taking your time to explain how to pay our fees on line. I went ahead and put all the charges on our company credit card. Please see receipt to follow. I could not adjust the payment submitted and had to pay the bills in their entirety (which included the penalties).

We never received a bill in August or September. I only became aware of the outstanding balance today.

Can you kindly waive the 25% penalty of \$51.25 for each bill. The total penalty credit would then be \$256.25.

Your understanding is appreciated.

Sincerely,

Golda Schlossberg
golda@isctv.com
Accounts Payables.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

DEC 20 2007

FILE

OFFICE OF
MANAGING DIRECTOR

Suzanne E. Rogers, President
Meridian Communications of Idaho, Inc.
455 Capitol Mall, Suite 210
Sacramento, CA 95814

Re: Meridian Communications of Idaho, Inc.
FY 2007 Regulatory Fee
Fee Control No. RROG-07-00009702

Dear Ms. Rogers:

This is in response to your request filed September 18, 2007 (*Request*), on behalf of Meridian Communications of Idaho, Inc. (Meridian), permittee of commercial television station Channel 20, Idaho Falls, Idaho, for a waiver and refund of the \$1,775.00 fiscal year (FY) 2007 regulatory fee. Our records reflect that you have paid the regulatory fee. For the reasons that follow, we grant your request.

You recite that the construction permit authorizing Channel 20 to serve the community of Idaho Falls, Idaho, was granted by the Commission's Media Bureau (Bureau) on July 22, 2003, and that The Post Company (Post) filed a petition for reconsideration of that decision on August 21, 2003.¹ You assert that the filing of the petition for reconsideration "made the status of the [s]tation uncertain and tolled the construction period on the permit."² You state that after the Bureau denied Post's petition for reconsideration on July 21, 2005, the successor to Post, NPG of Idaho, Inc. (NPG), filed an application for review on August 22, 2005, to which Meridian filed an opposition.³

¹ *Request* at 2.

² *Id.* at 3. The Office of Managing Director (OMD) granted Meridian a waiver and refund of the FY 2004 regulatory fee after finding that the construction of the proposed station had "been prevented by causes not under the control of the permittee, *i.e.*, the pendency of Post's petition for reconsideration, and that the expiration date of the construction permit had been tolled pursuant to section 73.3598(b)(ii) of the rules, 47 C.F.R. §73.3598(b)(ii)." See Letter from Mark A. Reger, Chief Financial Officer (CFO), OMD, FCC, to Suzanne E. Rogers (Jan. 4, 2005) (*2005 Letter*).

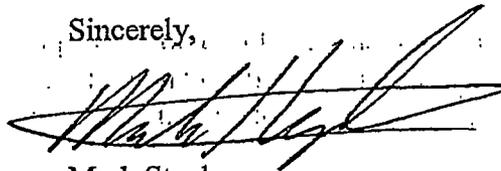
³ *Request* at 3. OMD granted Meridian a waiver and refund of the FYs 2005 and 2006 regulatory fees for the same reasons set forth in the *2005 Letter* and based on the filing of NPG's application for review. See Letter from Mark A. Reger, CFO, OMD, FCC, to Suzanne E. Rogers (Jan. 6, 2006) and Letter from Mark Stephens, CFO, OMD, FCC, to Suzanne E. Rogers (Dec. 5, 2006).

You contend that Meridian "has not been in possession of a functional Commission license or permit since August 21, 2003 (including on October 1, 2006, the date for determining 2007 regulatory fee obligations), resulting in a tolling of . . . [the s]tation permit since that time."⁴

We agree with you that the construction permit for Channel 20 remains encumbered. In this regard, it appears that the construction of Meridian's proposed station has been prevented by causes not under the control of the permittee, *i.e.*, the pendency of Post's petition for reconsideration and now NPG's application for review, and that the expiration date of the construction permit has been tolled pursuant to the provisions of section 73.3598(b)(ii) of the rules. Under these circumstances, we find good cause for a waiver of the FY 2007 regulatory fee and, accordingly, we grant your request for a refund of the fee.

A check, made payable to the maker of the original check, and drawn in the amount of \$1,775.00, will be sent to you at the earliest practicable time. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

⁴ *Id.* at 3.

RECEIVED AT
SEP 19 2007
FCC-MAIN ROOM

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)
)
Meridian Communications of Idaho)
)
Permittee of UHF Television Station)
Channel 20)
Idaho Falls, Idaho)
Facility ID 41238)

FCC File No. BPCT-19950306KF

To Managing Director, Office of Managing Director

PETITION FOR WAIVER OF REGULATORY FEE

Meridian Communications of Idaho ("MCID"), permittee of commercial television station Channel 20, Idaho Falls, Idaho, Facility ID 41238 ("Station"), hereby petitions the Commission for a waiver and refund of the Station's 2007 regulatory fee due to the continuing tolled status of its construction permit.¹ In support of its Petition, MCID submits that the "good cause" standard of Section 1.1166 of the Commission's Rules has been met, and, specifically, that "extraordinary and compelling circumstances" exist which "override the public interest in

¹See letters dated January 4, 2005, and January 6, 2006, from Mark A. Reger, Chief Financial Officer, Office of Managing Director, to Suzanne E. Rogers, President, Meridian Communications of Idaho, Inc., and letter dated December 5, 2006, from Mark Stephens, Chief Financial Officer, Office of Managing Director, to Suzanne E. Rogers, President, Meridian Communications of Idaho, inc., granting waivers of the 2004, 2005 and 2006 regulatory fees, respectively, based on the tolling of the Channel 20 construction permit pursuant to Section 73.3598(b)(ii) of the Commission's Rules (copies of which are attached hereto at Exhibit A).

reimbursing the Commission for its regulatory costs.”² MCID declares the following in support of this submission.

1. The Station construction permit, which authorizes Channel 20 to serve the community of Idaho Falls, Idaho, was granted on July 22, 2003, following a protracted application and settlement process. The original application for a construction permit for Channel 20 in Idaho Falls, Idaho, was filed on the 6th of March, 1995 (*See* BPCT-19950306KF) (“Application”), and on May 15, 1995, The Post Company (“Post”), licensee of station KIFI-TV, Idaho Falls, Idaho, filed a Petition to Deny that Application (“Petition to Deny”). In August of 1999, MCID filed a settlement agreement with the Commission, which it had entered into with mutually exclusive applicant Flat Iron Ranches, Inc. (“Flat Iron”), asking the Commission to grant MCID’s Application. On December 17, 1999, in response to the filing of the settlement agreement, Post filed a Supplement to its earlier May 15, 1995 Petition to Deny MCID’s Application (“Supplement”), and Fisher Broadcasting, Inc. (“Fisher”), licensee of station KIDK(TV), Idaho Falls, Idaho, filed Comments in support thereof. The Supplement and the Comments raised several allegations about MCID’s qualifications to be a licensee, all of which were denied upon the July 22, 2003 grant of the Station’s construction permit. In a letter dated July 22, 2003, from Barbara A. Kreisman, Chief, Video Division, Media Bureau, to J. Dominic Monahan, Esq., the Commission rejected all of Post’s and Fisher’s allegations, denied Post’s May 15, 1995 Petition to Deny, and granted MCID’s Application.

²*See In Re Implementation of Section 9 of the Communications Act*, 59 F.R. 30984 (June 16, 1994), 9 FCC Rcd 5333 ¶ 29 (1994) (hereinafter “FY 1994 Report and Order”); and *In Re Implementation of Section 9 of the Commissions Act Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Memorandum Opinion and Order*, FCC 95-257, 10 FCC Rcd. 12759, ¶ 12 (1995) (hereinafter “FY 1994 Memorandum Opinion and Order”).

2. Despite the Commission's well-reasoned decision, Post filed a Petition for Reconsideration thereof on August 21, 2003 (followed by responsive pleadings by both parties), which made the status of the Station uncertain and tolled the construction period on the permit.³ On July 21, 2005, the Commission again denied Post's claims in a letter from Barbara A. Kreisman, Chief, Video Division, Media Bureau, to J. Dominic Monahan. However, the successor to Post, NPG of Idaho, Inc., filed an Application for Review thereof (which MCID has opposed in a responsive pleading) on August 22, 2005.

3. Accordingly, based on administrative review proceedings beyond the control of MCID, MCID has not been in possession of a functional Commission license or permit since August 21, 2003 (including on October 1, 2006, the date for determining 2007 regulatory fee obligations), resulting in the tolling of MCID's Station permit since that time.⁴ Under present circumstances, MCID is unable to generate any cash flow, let alone make projections of cash flow. Although MCID firmly believes the Commission will rule in its favor with respect to the pending Application for Review, it cannot realistically begin buildout of the Station or business operations until it has received such a ruling.

4. For these reasons, MCID believes that good cause exists for waiver of the 2007 television construction permit fee of \$1,750 (PTC Code 0764) with respect to the Station, and that indeed, "extraordinary and compelling circumstances" exist which "override the public

³See 74 C.F.R. 73.3598(b)(ii).

⁴*Id.*

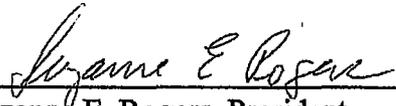
interest in reimbursing the Commission for its regulatory costs.”⁵ Specifically, MCID asserts that the Commission’s levy of a regulatory fee on the Station is not in the public interest, as no regulated interest has been vested in MCID.

5. MCID has timely remitted the full \$1,750 in regulatory fees due (*see* copy of electronic File Copy of FCC Online Payment Receipt, FCC Form 159, attached hereto at Exhibit B), and accompanies such payment with this Petition for Waiver of Regulatory Fee. MCID does so having made no income to date, as it has not been able to build or operate the Station.

Pursuant to the facts set forth above and in accordance with the policy stated in the FY 1994 *Report and Order* and the FY 1994 *Memorandum Opinion and Order*, MCID requests a waiver and refund of its regulatory fees for fiscal year 2007. MCID requests that this refund be tendered at the earliest possible date.

Respectfully submitted,

Meridian Communications of Idaho, Inc.

By: 
Suzanne E. Rogers, President

Dated: September 17, 2007

⁵See FY 1994 *Report and Order* and FY 1994 *Memorandum Opinion and Order*, *supra* note 2.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

DEC 18 2007

OFFICE OF
MANAGING DIRECTOR

Melodie A. Virtue
Counsel for Minden Television
Company, LLC
Garvey Schubert Barer
Flour Mill Building, Fifth Floor
1000 Potomac Street, N.W.
Washington, D.C. 20007-3501

Re: KPXJ, Minden, Louisiana ✓
FY 2006 Regulatory Fee
Fee Control No. 0608168835187001

Dear Ms. Virtue:

This is in response to your request filed September 5, 2007 (Request), on behalf of Minden Television Company, LLC (Minden), licensee of digital television station KPXJ, Minden, Louisiana, for refund of the Fiscal Year (FY) 2006 regulatory fee.¹ Our records show that Minden paid a regulatory fee of \$6,500.00 for FY 2006. For the reasons stated herein, your request is granted.

You state that “[o]n September 30, 2005, KPXJ ceased analog transmissions on Channel 21 and flash cut to digital operations on Channel 21 in Minden, Louisiana.”² You further state that Minden “filed a covering license application on September 30, 2005 ... and requested automatic program test authority to operate digitally on Channel 21.”³ You state that “[t]he FCC’s records were not properly updated” and, as a result, Minden was incorrectly assessed regulatory fees for FYs 2006 and 2007. You attach a copy of electronic mail from FOC staff in which they indicate that Minden is exempt from FY 2007 regulatory fees as a digital-only station.⁴ Based on staff’s statement that “it appears that when KPXJ began operating pursuant to program test authority, *they effectively gave up their analog operation at the same time (September 30, 2005),*” you assert that Minden should be deemed exempt from FY 2006 regulatory fees as well.⁵

¹ Request for refund from Melodie A. Virtue, Garvey Schubert Barer (filed September 5, 2007) (Request).

² Request at 1.

³ *Id.*

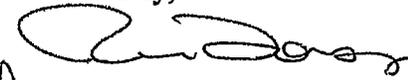
⁴ Electronic mail from Roland Helvajian to Melodie Virtue (dated September 4, 2007 @ 3:30 pm).

⁵ *Id.* (italics added).

Our records show that KPXJ is operating as a digital-only station as of September 30, 2005. Under current Commission policy, television broadcast station licensees must pay regulatory fees only for their analog facilities. Licensees that have transitioned to digital broadcasting and surrendered their analog spectrum have no regulatory fee obligation. Because our records show that KPXJ is operating as a digital-only station as of October 1, 2005, the beginning of FY 2006,⁶ we find that a refund of the FY 2006 regulatory fee is warranted.⁷ Accordingly, your request is granted.

A check made payable to the maker of the original check, and drawn in the amount of \$6,500.00, 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

⁶ 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).

⁷ See 47 C.F.R. §1.1160(a)(1).



CONTROL # 9768

WASHINGTON, D.C. OFFICE

fifth floor

flour mill building

1000 potomac street nw

washington, d.c. 20007-3501

TEL 202 965 7880 FAX 202 965 1729

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GARVEY SCHUBERT BARER

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

Please reply to MELODIE A. VIRTUE
mvirtue@gsblaw.com TEL EXT 2527

ORIGINAL

September 5, 2007

VIA HAND DELIVERY

Mr. Anthony Dale
Managing Director
c/o Natek, Inc.
236 Massachusetts Avenue, NE, Suite 110
Washington, DC 20002

Our File No. 21648-00100-61

RECEIVED - FCC

SEP - 5 2007

Federal Communications Commission
Bureau / Office

0608168835/87001

Re: Request for Refund of 2006 Annual Regulatory Fee
Minden Television Company, LLC
FRN 0009630740

Dear Mr. Dale:

On behalf of Minden Television Company, LLC ("Minden"), licensee in the Television Station KPXJ, Minden, Louisiana, I respectfully request a refund of the 2006 annual regulatory fee payment in the amount of \$6,500.00. KPXJ is a digital-only television station, and, as such, does not owe an annual regulatory fee.

On September 30, 2005, KPXJ ceased analog transmissions on Channel 21 and flash cut to digital operations on Channel 21 in Minden, Louisiana. The licensee filed a covering license application on September 30, 2005, *see* FCC File No. BLCDT-20050930AAL, and requested automatic program test authority to operate digitally on Channel 21.

The FCC's records were not properly updated, and Minden was sent a fee assessment postcard for KPXJ in 2006. In fact, it also received a fee assessment postcard for 2007 annual regulatory fees. It has recently come to the licensee's attention that digital-only TV stations are exempt from payment of annual regulatory fees. Attached hereto is a copy of an email from Roland Helvajian from the Office of the Managing Director confirming that Minden does not owe a 2007 annual regulatory fee. As the licensee ceased analog operations on September 30, 2005, it respectfully requests a refund of its fee payment submitted on August 14, 2006, based on KPXJ's status as it existed on October 1, 2005, when it was a digital-only operation.

As the Commission stated in *Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, 18 FCC Rcd. 15985, 15993 (2003), "[t]he Commission's broadcast television regulatory fees are already designed to only capture the costs of analog broadcast activities. Although DTV licensees are



GARVEY SCHUBERT BARER

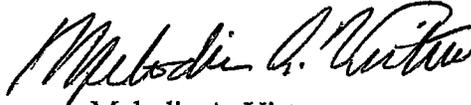
Mr. Anthony Dale
September 5, 2007
Page 2

subject to Section 8 application fees, the Commission does not yet assess Section 9 regulatory fees to recover the costs of the agency's DTV-related activities." As a result, Minden should not have been sent a fee assessment post card in 2006 or 2007, and should not have paid a fee in 2006.

Enclosed for your reference is a copy of the transmittal of Form 159 Remittance Advice for the Minden's annual regulatory fee payment in 2006.

On the basis of the foregoing, it is submitted that a refund of \$6,500 is warranted, and it is so requested.

Respectfully submitted,



Melodie A. Virtue

Enclosures

MAV:yg
DC_DOCS:668017.1

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

DEC 18 2007

OFFICE OF
MANAGING DIRECTOR

00144 53419

Alan S. Tilles, Esquire
Shulman, Rogers, Gandal, Porody &
Ecker, P.A.
11921 Rockville Pike, Third Floor
Rockville, Maryland 20852

Re: Northwest Airlines, Inc. ✓
Request for Waiver of Filing Fees
Fee Control No. RROG-08-00009564

Dear Mr. Tilles:

This letter responds to your Petition dated May 30, 2007 on behalf of Northwest Airlines, Inc., debtor-in-possession (Northwest Airlines), for waiver of the filing fees associated with its application for assignment of various wireless licenses it holds as operator of a commercial airline.¹ Our records show that you have paid these fees, which total \$13,055.00. As indicated below, your request is granted.

You assert in your Petition that the bankrupt status of Northwest Airlines establishes good cause for waiver of the filing fee.² In support, you state that Northwest Airlines Corporation and twelve affiliated entities, including licensee Northwest Airlines, filed voluntary petitions for bankruptcy in the United States Bankruptcy Court, Southern District of New York (Bankruptcy Court), on September 14, 2005.³ You also state that Northwest Airlines is preparing to emerge from bankruptcy as a reorganized, post-bankruptcy entity and, as such, on May 30, 2007 filed with the FCC's Wireless Telecommunications Bureau an application for assignment of various wireless licenses it holds in connection with its operations as a commercial airline.⁴ On November 13, 2007, you supplemented your Petition with an order from the Bankruptcy Court dated May 31, 2007, showing that Northwest Airlines was still under bankruptcy protection at the time it

¹ Northwest Airlines, Inc. Petition for Waiver of Section 1.1102 of the Commission's Rules in Connection with Application Filing Fees Associated with Application for Assignment for Various Wireless Licenses Pursuant to Section 1.1117 of the Commission's Rules (dated May 30, 2007) (Petition). In an attachment, you indicate that the Petition was filed with the FCC on June 8, 2007, although the date stamped on its cover page is August 28, 2007. The Application for Assignment attached to your Petition, apparently filed with the FCC on May 30, 2007, identifies 191 wireless licenses to be assigned.

² Petition at 3-4.

³ Petition at 2.

⁴ Petition at 1, 4.

filed its application.⁵ You also assert that waiver will preserve funds better used to sustain operations.⁶

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 Northwest Airlines substantiates your claim of financial hardship and demonstrates good cause for waiver of the filing fees. *See MobileMedia Corporation*, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause for waiver of filing fee). Moreover, waiver of the filing fees will serve the public interest by protecting the interests of innocent creditors. Therefore, your request for waiver of the application filing fees in connection with the applications for license assignment for Northwest Airlines is granted.

A check in the amount of \$13,055.00, made payable to the original maker, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

⁵ Electronic mail transmission from Dana Daberko (dated Nov. 13, 2007).

⁶ Petition at 4.

RECEIVED FCC/FOC/TOG

AUG 28 2007

BY: _____

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

OK
9564

RR06-08-00009564

In the Matter of

NORTHWEST AIRLINES, INC.

Petition for Waiver of Section 1.1102 of the
Commission's Rules in Connection with
Application Filing Fees Associated with
Application for Assignment for Various Wireless Licenses
Pursuant to Section 1.1117 of the Commission's
Rules

FCC File No.

To: Office of the Managing Director

**PETITION FOR WAIVER OF APPLICATION
FILINGS FEES**

Northwest Airlines, Inc., ("NWA"), through counsel and pursuant to Section 1.1117 of the Commission's Rules, 47 C.F.R. §1.117, hereby requests a wavier of Section 1.1102 of the Commission's Rules, 47 C.F.R. §1.1102. In support thereof, the following is shown:

Section 1.1102 of Commission's Rules requires the payment of application filing fees in connection with various applications. In this case, NWA has filed an application for assignment of licenses (the "Application"). The accompanying Application was filed on _____ and has been assigned FCC File Number _____. The Application was necessitated by Northwest Airlines, Inc., Debtor-in-Possession's pending emergence from bankruptcy as a reorganized, post-bankruptcy entity, Northwest Airlines, Inc. Licensee holds various wireless licenses used in connection with its operations as a commercial airline.

I. BACKGROUND

Northwest Airlines Corporation ("Parent") filed a voluntary petition for bankruptcy in the United States Bankruptcy Court, Southern District of New York, on September 14, 2005. Twelve affiliated entities, including Licensee, a wholly-owned subsidiary of Parent, also filed voluntary petitions for bankruptcy in that same proceeding. A copy of the bankruptcy filing is attached hereto. With these filings, Parent, Licensee and other affiliated entities began operating their businesses as "debtors-in-possession" pursuant to 11 U.S.C. §§ 1101(1) and 1107(a). On March 30, 2007, by the Order (I) (A) Approving Disclosure Statement; (B) Establishing Solicitation Procedures; (C) Fixing Distribution Record Date; and (II) (A) Establishing Procedures for Participation in Rights Offering; and (B) Approving Subscription Form (Docket No. 5736), the Bankruptcy Court approved the adequacy of the information provided in the Disclosure Statement for Debtors' First Amended Joint and Consolidated Plan of Reorganization Under Chapter 11 of the Bankruptcy Code. On May 18, 2007, the Bankruptcy Court entered an order (Docket No. 6944) approving the confirming the Debtors' First Amended Joint and Consolidated Plan of Reorganization Under Chapter 11 of the Bankruptcy Code. Licensee holds various aircraft, aviation and land mobile licenses in connection with its operation as a commercial airline. The parties will file a separate application for issuance of an aircraft license to NWA and will accompany that filing with a waiver request as well.

II. REQUEST FOR WAIVER OF FILING FEES

A. Waiver of Filing Fees Is in the Public Interest

NWA requests that it be reimbursed for the substantial application filing fees that are associated with the Application. Section 1.1117 of the Commission's Rules provides that application filing fees may be "waived or deferred in specific instances where good cause is shown and where waiver or deferral of the fee would promote the public interest."¹ Accordingly, NWA requests relief under this provision of the Commission's Rules.

The Commission has previously determined that bankruptcy constitutes "good cause" pursuant to Section 1.1117. In *Mobile Media Corporation, et al.*, Memorandum Opinion and Order, 14 FCC Rcd 8017, 8027 (1999), the Commission waived filing fees under Section 1.1117 for applications associated with the reorganization of a bankrupt paging carrier. The Commission found that the paging carrier's bankruptcy was "good cause" for waiver of the application filing fees. The Commission held that "waiver of the fee will serve the public interest by enabling [the carrier] to preserve assets that will accrue to innocent creditors." *Mobile Media*, 14 FCC Rcd at 8027; *see also Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, Memorandum Opinion and Order, 10 FCC Rcd 12759, 12762 (1995) ("evidence of bankruptcy or receivership sufficient to establish financial hardship for purposes of waiving of regulatory fees"); *United Air Lines, Inc.*, DA-03-1741, released May 22, 2003; *Century Cablevision Holdings, L.L.C.*, DA-03-1741, released May 22, 2003; *Commco Technology, LLC*, DA-03-1741, released May 22, 2003; *In the Matter of Daniel R. Goodman, Receiver, Dr. Robert Chan, Petition for*

¹ 47 C.F.R. § 1.1117(a).

*Waiver of Sections 90.633(c) and 1.1102 of the Commission's Rules, Memorandum Opinion and Order, FCC 95-211 (rel. May 24, 1995); *LaRose v. FCC*, 494 F.2d 1145, 1146 n.2 (D.C. Cir. 1974) (Commission has responsibility to harmonize policies with federal bankruptcy law).*

NWA's emergence from bankruptcy likewise warrants waiver of the filing fees associated with the Application. *See Melody Music, Inc. v. FCC*, 345 F.2d 730, 733 (D.C. Cir. 1965). As set forth above, Licensee is preparing to emerge from bankruptcy as a reorganized, post-bankruptcy entity. In the absence of a waiver, the parties will have paid a total of \$13,055.00 for this Application and a total of \$55,955.00 for all post bankruptcy-related applications to the Commission. Grant of this waiver would preserve funds better used to sustain operations. Accordingly, NWA requests grant of a waiver under Section 1.1117 of the Commission's Rules.

III. CONCLUSION

For the foregoing reasons, NWA respectfully requests that the Commission GRANT this petition for waiver of the fee requirements of Sections 1.1102 and 1.1117(e) of the Commission's Rules in connection with the Application.

Respectfully submitted,

NORTHWEST AIRLINES, INC.

By: _____

Alan S. Tilles, Esquire

Its Attorney

~~Shulman, Rogers, Gandal, Pordy & Becker, P.A.~~
~~11921 Rockville Pike, 11th Floor~~
~~Rockville, Maryland 20852~~
~~301-230-5200~~

Dated: May 30, 2007

EXHIBIT 3
EXHIBIT TYPE: OTHER
REQUEST FOR EXPEDITED ACTION

Applicant respectfully requests EXPEDITED action on its application for assignment of authorization.