



# PUBLIC NOTICE

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

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DA-08-517

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

## PUBLIC NOTICE

Released: March 7, 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:

**Aisling Broadcasting of Banner Elk, LLC Station WZJS (FM)** - Request for waiver of FY 2007 regulatory fee. **Denied** (February 26, 2008) [See Assessment and Collection of Regulatory Fees for Fiscal Year 2007, Report and Order, 22 FCC Rcd 15712, Attachment D (2007) (2007 Report and Order); 47 C.F.R. §1.1153(6)]

**Cass Cable TV, Inc** - Request for waiver of FY 2007 regulatory fee late payment penalty. **Denied** (February 5, 2008) [See 47 C.F.R. §1.1164]

**Lone Star Network Station KLSN** Request for waiver and refund of FY 2007 regulatory fee. **Granted** (February 15, 2008) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995)]

**MCI, Inc** - Request for waiver of FY 2005 regulatory fee late payment penalty. **Denied** (February 26, 2008) [See 47 C.F.R. §1.1164]

**Michael A. Brooks DBA Jimenez Communications Station K246AF** - Request for waiver of FY 2003 regulatory fee late payment penalty. **Denied** (February 5, 2008) [See 47 C.F.R. §73.1750]

**Music Technologies, Inc** - Request for waiver of FY 2001 and 2002 regulatory fees. **Denied** (February 26, 2008) [See 47 C.F.R. §1.1164]

**Sun Mountain, Inc Station KYLW (AM)** Request for waiver and refund of FY 2007 regulatory fee. **Granted** (February 15, 2008) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995)]

**NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE REVENUE AND RECEIVABLES OPERATIONS GROUP AT (202) 418-1995.**

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

February 26, 2008

Jonathan Hoffman  
Managing Partner  
Aisling Broadcasting of Banner Elk, LLC  
738 Blowing Rock Road  
Boone, NC 28607

Re: Request for Reduction of Regulatory  
Fee for Fiscal Year 2007  
Station WZJS-FM.  
Fee Control No. 0709198835747001

Dear Mr. Hoffman:

This is in response to your request for a waiver of the regulatory fee for Fiscal Year (FY) 2007, filed on behalf of Aisling Broadcasting of Banner Elk, LLC, licensee of Station WZJS-FM, Banner Elk, North Carolina. This request seeks a reduction of the FY 2007 regulatory fee from \$1,150.00 to \$575.00. Our records reflect that WZJS has paid the FY 2007 regulatory fee. For the reasons set forth below, we deny your request.

You assert that “[t]he population of Avery County is approximately 18,000, which would place the station in the population rank of less than 25,000.”<sup>1</sup> The \$1,150.00 FY 2007 regulatory fee established for WZJS-FM was determined based upon the station’s status as a Class A FM station serving a population of between 25,001 and 75,000.<sup>2</sup> Based on your contention that the population served by WZJS had been incorrectly calculated, we requested a population recalculation for the station, which determined that the correct population figure for WZJS for purposes of the FY 2007 regulatory fees is 36,766 (city grade or principal community coverage). We therefore find that the FY 2007 regulatory fee established for WZJS was based upon the correct population count for the station. With respect to your assertion that the population of Avery County is approximately 18,000, the methodology established by the Commission for assessing radio service regulatory fees is not determined by a particular county’s population but, instead, is based in part upon each station’s city strength service contour, which is overlaid upon U.S.

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

<sup>2</sup> *See Assessment and Collection of Regulatory Fees for Fiscal Year 2007, Report and Order, 22 FCC Rcd 15712, Attachment D (2007) (2007 Report and Order); 47 C.F.R. §1.1153(6).*

Mr. Jonathan Hoffman

2.

Census data to estimate the population coverage for each station.<sup>3</sup> We therefore find that the FY 2007 regulatory fee established for WZJS is correct because the FY 2007 regulatory fee for a Class A FM station serving a population of 36,766 (such as WZJS) is \$1,150.00. Accordingly, we deny your request.

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

Sincerely,

  
for Cheryl Collier  
Mark Stephens  
Chief Financial Officer

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<sup>3</sup> See *Assessment and Collection of Regulatory Fees for Fiscal Year 1998, Report and Order*, MD Docket No. 98-36, FCC 98-115, 1998 WL 320272 (adopted: June 9, 1998; released: June 16, 1998); see also *2007 Report and Order* at 15715 (“in determining regulatory fees for AM and FM radio stations. . . . [, we consider] facility attributes [*i.e.*, class and type of service (AM or FM)] and the population served by the radio station. The calculation of the population served is determined by coupling current U.S. Census Bureau data with technical and engineering data, as detailed in Attachment E”).

~~RR06-09-00009302~~  
0709198835747001

**Aisling Broadcasting of Banner Elk LLC**



738 Blowing Rock Road  
Boone, NC 28607  
828-264-2411  
Fax# 828-264-2412

Federal Communications Commission  
Financial Accounts Receivables Group  
Attention: Monique

August 14, 2007

RE: Notification ID 10508  
RE: FRN 0009541087; Regulatory Fee WZJS-FM, FCC ID 60647

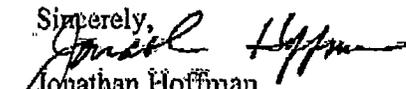
Via Fax: (202)418-7869

As you requested, I am writing to clarify the regulatory fee for WZJS-FM, ID 60647. Its city of license is Banner Elk, located in Avery County, North Carolina.

The population of Avery County is approximately 18,000, which would place the station in the population rank of less than 25,000. Accordingly, I am requesting a change in the regulatory fee to \$575.

I appreciate your attention to this matter as soon as you are able.

Sincerely,

  
Jonathan Hoffman  
Managing Partner

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## Station Search Details

**Call Sign:** WZJS  
**Facility Id:** 60647  
**Community of License:** BANNER ELK, NC  
**Service:** FM  
**Fac Type:** FM STATION  
**Status:** LICENSED  
**Status Date:**  
**Frequency:** 100.7  
**Channel:** 264  
**Digital Status:**  
**Lic Expir:** 12/01/2011  
**Licensee:** AISLING BROADCASTING OF BANNER ELK, LLC  
**Address:** 1901 BEARBERRY LANE  
**Address 2:**  
**City:** ASHEVILLE  
**State:** NC  
**Zip Code:** 28803 -  
**Phone Number:** (828) 264-2411  
**Engineering Data** [View Engineering Data](#)  
**Call Sign History** [View Call Sign History](#)  
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Please send comments via standard mail to the Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street, S.W., Washington, D.C., 20554. Questions can also be answered by calling the FCC's National Call Center, toll free, at 1-888-Call FCC (1-888-225-5322).

Federal Communications Commission  
 445 12th Street SW  
 Washington, DC 20554  
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