

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

FEB 26 2008

OFFICE OF
MANAGING DIRECTOR

Mr. Bradley Golden
Technologies International
407 Lincoln Ave., Ste. 4G
Miami Beach, FL 33139

Re: Music Technologies, Inc.
FY 2001 and 2002 Regulatory Fees
Fee Control No. RROG-08-00008911

Dear Mr. Golden:

This is in response to your request dated November 2, 2007 (*Request*), filed on behalf of Music Technologies, Inc. (MTI) for a waiver of the regulatory fees for earth station E920685 (the *Station*) for fiscal years (FYs) 2001 and 2002, as well as the associated penalties for late payment of the regulatory fees. Our records reflect that MTI has not paid the \$180.00 regulatory fee and \$45.00 penalty for FY 2001, or the \$140.00 regulatory fee and \$35.00 penalty for FY 2002, for a total of \$400.00. For the reasons set forth below, we deny your request.

You assert that MTI has "not broadcast at all since December 30, 1998 the date on which we sold all of our broadcast equipment, accounts (except for one – which maintains its own broadcast equipment and facility) and licenses to Muzak Limited Partnership [Muzak]."¹ You state that you "believe that the assessment of fees was an oversight – perhaps due to our inadvertent failure to properly notify you of the sale."² You submit a copy of the December 30, 1998, *Bill of Sale* signed by MTI and Muzak.

Our records reflect that the Commission issued MTI the license for the *Station* on December 4, 1992, for a fifteen-year license term which ended on December 4, 2007, and that MTI thus held the license for the *Station* on the dates that the FYs 2001 and 2002 regulatory fees were due, *i.e.*, September 26, 2001, and September 25, 2002, respectively. We therefore find that MTI is responsible for the payment of the FYs 2001 and 2002 regulatory fees for the *Station*.³ With respect to your assertion that MTI sold all of its "broadcast equipment and . . . licenses to Muzak[.]" this sale does not appear to involve

¹ *Request* at 1.

² *Id.*

³ See *Assessment and Collection of Regulatory Fees for Fiscal Year 2001, Report and Order*, 16 FCC Rcd 13525, 13536-37 (2001); *Assessment and Collection of Regulatory Fees for Fiscal Year 2002, Report and Order*, 17 FCC Rcd 13203, 13212-13 (2002).

the earth station license E920685 for which the fees are outstanding.⁴ We therefore find that MTI was the licensee of the Station at the time the FYs 2001 and 2002 regulatory fees were due and was therefore responsible for the payment of the regulatory fees.

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.⁵ 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.⁶ Your request does not indicate or substantiate that MTI met this obligation for FYs 2001 and 2002. We therefore deny your request for waiver of the late payment penalties.

Payment of the regulatory fees for FYs 2001 and 2002, as well as the associated penalties for late payment, is now due. The regulatory fees and the associated penalties, totaling \$400.00, should be filed together 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,

for Cheryl Collins
Mark Stephens
Chief Financial Officer

Enclosure

⁴ Even if you believed or intended that the license was included, you concede that the Commission was not properly notified of the sale. In this regard, *see* 47 U.S.C. §310(d) (requiring Commission approval of any assignment of a station license or transfer of control; *see also* 47 C.F.R. §25.119(a) (“You must file an application for Commission authorization before you can transfer, assign, dispose of (voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation or any other entity) your station license or accompanying rights. The Commission will grant your application only if it finds that doing so will serve the public interest, convenience and necessity.”)). Our records do not reflect that MTI ever filed an assignment or transfer application for the *Station*.

⁵ 47 U.S.C. §159(c)(1).

⁶ *See* 47 C.F.R. §1.1164.

WV

Technologies International
407 Lincoln Ave. Ste. 4C
Miami Beach, FL 33139
(305) 592-7177

RROG-08-00008911

November 2, 2007

Ms. Adama Jarr
Federal Communications Commission
Washington, D.C. 20554

RE: Music Technologies, Inc (#0010338952)

Sent Via Facsimile to 202-418-2843

Dear Ms. Jarr:

Pursuant to our recent conversations, I am writing to provide information explaining my request to have any fees assessed to Music Technologies, Inc ("MTI") waived. The basis for my request is that we have not broadcast at all since December 30, 1998 the date on which we sold all of our broadcast equipment, accounts (except for one - which maintains its own broadcast equipment and facility) and licenses to Muzak Limited Partnership. I believe that the assessment of fees was an oversight - perhaps due to our inadvertent failure to properly notify you of the sale.

As we discussed, I have been working for many months to have all fees waived and was told that this had been taken care of. I was surprised to learn that the FCC still considered this to be an open matter.

Enclosed please find the copy of the Bill of Sale that you requested. Further, you may go to the following location on the internet to see the full Purchase Agreement filed with the SEC: <http://www.secinfo.com/dRx61.6k.d.htm>.

I am hopeful that this information will allow you to resolve this matter in our favor. Thank you for your time and assistance and please call me with any questions or concerns.

Very truly yours,

Bradley Golden