

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

FEB 15 2008

OFFICE OF
MANAGING DIRECTOR

Dan J. Alpert, Esq.
2120 21st Rd.
Suite 400
Arlington, VA 22201

Re: Station KYLW(AM)
Sun Mountain, Inc.
Lockwood, MT
FY 2007 Regulatory Fee
Fee Control No. 0709209365899885

Dear Mr. Alpert:

This is in response to your request filed September 20, 2007 (*Request*), on behalf of Sun Mountain, Inc. (Sun Mountain), licensee of Station KYLW(AM) (*Station*), Lockwood, Montana, for a waiver of the Fiscal Year (FY) 2007 regulatory fee. Our records reflect that you paid the \$800.00 FY 2007 regulatory fee as well as the \$200.00 penalty for late payment of the regulatory fee. For the reasons stated herein, we grant your request.

You recite that the *Station* "currently is dark."¹ In *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995) (*Reconsideration Order*), the Commission determined that the imposition of a regulatory fee could be an impediment to the restoration of service by dark stations and that it therefore would waive the fee requirement for stations which have ceased operation.²

Our records reflect that in a letter filed September 14, 2007, Sun Mountain notified the Commission's Media Bureau (Bureau) that the *Station* "went silent on April 13, 2007, due to the loss of the *Station*'s transmitter site and that notification of the *Station*'s silence was inadvertently not reported earlier."³ On September 17, 2007, the Bureau granted Sun Mountain's request for Special Temporary Authority (STA) for the *Station* "to remain silent not to exceed 180 days from the date of this letter."⁴ Because the

¹ *Request* at 1.

² See *Reconsideration Order* at 12762 (broadcast stations which are dark "must request permission to suspend operation pursuant to Section 73.1740(a)(4) of the Rules.").

³ See Letter from H. Taft Snowdon, Audio Div., Media Bur., FCC, to Richard Solberg at 1 (Sept. 17, 2007) (*September 17 Letter*).

⁴ *Id.*

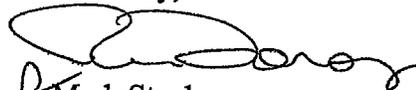
Dan J. Alpert, Esq.

2.

Station was not operating pursuant to a STA on the date that the FY 2007 regulatory fee was due (*i.e.*, September 19, 2007), we grant Sun Mountain's request for waiver of the FY 2007 regulatory fee.

A check made payable to the maker of the original check, and drawn in the amount of \$1,000.00, as it includes the \$800.00 FY 2007 regulatory fee and the \$200.00 penalty, 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

0709209365899885 9700

The Law Office of

Dan J. Alpert

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(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

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SEP 20 2007

Federal Communications Commission
Bureau / Office

**Re: Station KYLW(AM)
Lockwood, MT
Facility No. 129384**

Dear Mr. Fishel:

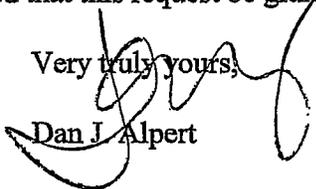
~~Sun Mountain, Inc. by its attorney hereby requests a waiver and refund of its 2007 Annual Regulatory Fee. In support thereof, the following is stated:~~

In the Memorandum Opinion and Order issued with respect to Implementation of Section 9 of the Communications Act, FCC 95-257 (June 22, 1995), the FCC recognized that waivers of the annual Regulatory Fee was appropriate in certain instances, and specifically determined that it would grant waivers to licensees of broadcast stations which are dark (not operating). The Commission recognized that an imposition of regulatory fees could be an impediment to the restoration of broadcast service, and that such it would be unnecessary for such stations to make any further showing to warrant grant of a waiver. Id. at ¶ 15.

Sun Mountain is licensee of Station KYLW(AM), Lockwood, Montana. The station currently is dark. See Attachment. Accordingly, a waiver of the 2007 Annual Regulatory Fee is appropriate. ~~A refund of the \$800.00 fee that was timely paid respectfully is requested.~~

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

Very truly yours,



Dan J. Alpert

Counsel for Sun Mountain, Inc.