

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

MAR 14 2008

OFFICE OF
MANAGING DIRECTOR

Kathleen Victory, Esq.
Lee G. Petro, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209

Re: KDMI License, LLC
KDMI-TV, Des Moines, Iowa
FY 2006 Regulatory Fee
Fee Control No. 0609188835559010

Dear Counsel:

This is in response to your request dated November 2, 2007 (*Request*), on behalf of KDMI License, LLC (the Company), licensee of digital television station KDMI-TV (the Station), Des Moines, Iowa, for a refund of the Fiscal Year (FY) 2006 regulatory fee. Our records reflect that the Company paid a regulatory fee of \$1,775.00 for FY 2006. For the reasons stated herein, we grant your request.

You state, and our records confirm, that “the Station was granted a digital construction permit authorization on September 28, 2004 . . . [and that the license for the Station] was granted on October 18, 2006[.]”¹ You assert that “[i]n 2005, the Commission addressed the treatment of digital-only broadcast stations relating to the submission of [a]n annual [r]egulatory [f]ees . . . [and] concluded that it would ‘maintain the regulatory fee obligation that applies only for [an] analog facility.’”² You aver that “[t]he Commission has not addressed this issue subsequently, and there has been no imposition of [r]egulatory [f]ees for digital-only facilities to date.”³

¹ *Request* at 1.

² *Id.* (quoting *Assessment and Collection of Regulatory Fees for Fiscal Year 2005, Assessment and Collection of Regulatory Fees for Fiscal Year 2004*, 20 FCC Rcd 12259 (2005)).

³ *Id.*

Under current Commission policy, television broadcast station licensees and permittees pay regulatory fees only for their analog facilities. Thus, because our current schedule of regulatory fees does not include service categories for digital broadcasters, we find a refund of the FY 2006 regulatory fee is warranted.⁴ Accordingly, your request is granted.

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 call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

⁴ See 47 C.F.R. §1.1160(a)(1).

COPY

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November 2, 2007

*NOT ADMITTED IN VIRGINIA

By Hand Delivery

Anthony J. Dale, Managing Director
Office of Managing Director
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: Request for Refund of 2006 Regulatory Fee
Station KDMI-DT, Des Moines, Iowa – Facility Id. 78915
KDMI License, LLC, Licensee -- FRN: 0014752323

2007 NOV 19 P 3:25

Dear Mr. Dale:

KDMI License, LLC, the licensee of Station KDMI-TV, Des Moines, Iowa (Facility Id. 78915) (the "Station"), by and through its attorneys, and pursuant to Section 1.1160(a)(1) of the Commission's rules, hereby submits this Request for the Refund of its 2006 Regulatory Fees.

By way of background, the original application for construction permit for the Station was filed as an analog facility. However, in light of the Media Bureau's requirements that such applications which proposed operation on channels outside of the DTV Core (Channels 2-51) file amendments to specify digital facilities, the Station was granted a digital construction permit authorization on September 28, 2004 (BMPCDT-20031029ABH). Subsequently, the Station was constructed, and the license application was granted on October 18, 2006 (BLCDT-20060825ACT).

In 2005, the Commission addressed the treatment of such digital-only broadcast stations relating to the submission of Annual Regulatory Fees. Specifically, the Commission concluded that it would "maintain the regulatory fee obligation that applies only for [an] analog facility."¹ The Commission has not addressed this issue subsequently, and there has been no imposition of Regulatory Fees for digital-only facilities to date.

¹ *Assessment and Collection of Regulatory Fees for FY 2005 and Assessment and Collection of Regulatory Fees for FY 2004*, Report and Order, 20 FCC Rcd 12,259 (2005).

FLETCHER, HEALD & HILDRETH, P.L.C.

Anthony J. Dale, Managing Director

November 2, 2007

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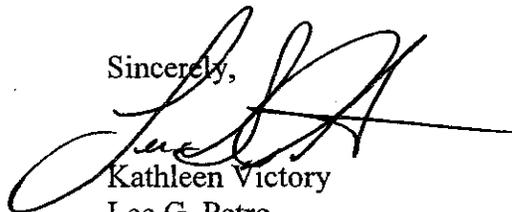
On September 13, 2006, KDMI License, LLC, submitted a Regulatory Fee payment for the Station as a Broadcast Television UHF Construction Permit in the amount of \$1,775.00. Attached as Exhibit A is the confirmation of the payment. The payment was prepared because the licensee received a postcard from the Commission indicating that a fee was due. Attached as Exhibit B is a copy of the postcard. However, as discussed above, Commission did not require such payment for a digital-only television facility, either as a permittee or a licensee, and Section 1.1160(a)(1) of the Commission's rules provides that a refund will be granted "[w]hen no regulatory fee is required." 47 C.F.R. § 1.1160(a)(1) (2007).

Therefore, KDMI License, LLC, respectfully requests that the Commission issue a refund in the amount of \$1,775.00 to cover this payment. The check should be made payable and sent as follows:

Pappas Digital Television of Des Moines-Ames, LLC
500 South Chinowth Road
Visalia, California 93277
Attn: Lisa Nilmeier, Esquire

Should there be any questions regarding this matter, please contact undersigned counsel.

Sincerely,



Kathleen Victory
Lee G. Petro

Counsel for KDMI License, LLC

Enclosures