



PUBLIC NOTICE

Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

News media information 202 / 418-5000
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Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

DA-08-1821

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

PUBLIC NOTICE

Released: July 31, 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:

Green County Partners, Inc. – Request for waiver of FY 2007 regulatory fee late payment penalty. **Denied** (June 30, 2008) [*See* 47 C.F.R. §1.1164]

Station W62DE TV, Tifton, Georgia – Request for waiver of FY 2007 regulatory fee late payment penalty. **Denied** (June 30, 2008) [*See* 47 C.F.R. §1.1164]

**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
JUN 30 2008

OFFICE OF
MANAGING DIRECTOR

Mr. Chad Winters
100 Redbud Road
Post Office Box 200
Virginia, IL 62591

Re: Greene County Partners, Inc.
FY 2007 Regulatory Fee
Fee Control No. 0710058835116001

Dear Mr. Winters:

This is in response to your request dated September 26, 2007 (*Request*), filed on behalf of Greene County Partners, Inc. (GCP) for a waiver of the penalty for late payment of the fiscal year (FY) 2007 regulatory fee. Our records reflect that you paid the \$5,058.75 FY 2007 regulatory fee and the associated \$1,264.69 penalty. For the reasons set forth below, we deny your request.

You recite that GCP "incorrectly paid our Regulatory Fees to the Royalty Licensing Fees department."¹ You state that "[t]he amount paid of \$5,058.75 was intended to be paid towards Regulatory Fees."² You say that "[t]he mistake was not discovered until September 20 [, one day] after the due date on September 19, 2007[.]"³ You state that "[w]e realize this was our error, but . . . we did make an attempt to pay the fee."⁴ You aver that "[w]e were under the impression all Fees had to be paid online now and accessed the wrong site for payment."⁵ You assert that "[w]e did make the payment in time, but we followed the wrong procedure."⁶

¹ See *Request* at 1.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

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.⁷ 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.⁸ Your request does not indicate or substantiate that GCP met this obligation. The Commission takes great care to inform its licensees of the due dates, amounts of the fees, and payment methods in public notices and fact sheets, which information it also posts on its web site, www.fcc.gov. For the FY 2007 regulatory fees, in addition to identifying the payment methods in its rules, the Commission timely released several public notices and news releases informing licensees of the September 19, 2007, deadline for filing regulatory fees and the various methods for paying the fees.⁹ Although you may not have been aware of or fully understood the Communications Act or the Commission's rules regarding regulatory fees, the Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances."¹⁰ We therefore find that GCP did not meet its obligation to file its FY 2007 regulatory fee to be received by the Commission in a timely manner. Accordingly, we deny your request for waiver of the penalty for late payment of the FY 2007 regulatory fee.

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

⁷ 47 U.S.C. §159(c)(1).

⁸ See 47 C.F.R. §1.1164.

⁹ See 47 C.F.R. §§1.1155, 1.1158, and 1.1159; *Assessment and Collection of Regulatory Fees for Fiscal Year 2007*, 22 FCC Rcd 15712 (2007); *Payment Methods and Procedures For Fiscal Year 2007 Regulatory Fees*, FCC, DA-07-3758 (released Aug. 28, 2007); *Public Notice, Fee Filer Now Available for 2007 Regulatory Fees*, DA 07-3715 (Aug. 23, 2007); *Regulatory Fees Fact Sheet, What You Owe – Cable Television Systems for FY 2007* (Aug. 2007).

¹⁰ See *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

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GREENE COUNTY PARTNERS, INC.



FCC/MELLON

OCT 01 2007

September 26, 2007

Federal Communications Commission
Regulatory Fees
P.O. Box 358835
Pittsburgh, PA 15251-5835

To Whom It May Concern:

On September 18, Greene County Partners incorrectly paid our Regulatory Fees to the Royalty Licensing Fees department. The amount paid of \$5,058.75 was intended to be paid towards Regulatory Fees. The mistake was not discovered until September 20. Because we did not catch the error until after the due date of 11:59 PM on September 19, 2007, we had to pay the 25% late payment penalty. The penalty was in the amount of \$1,264.69.

We realize this was our error, but we are requesting you refund the late payment penalty because we did make an attempt to pay the fee. We were under the impression all Fees had to be paid online now and accessed the wrong site for payment. Could you please consider making this refund? We did make the payment in time, but we followed the wrong procedure. I have enclosed confirmation of payment to the Royalty Licensing Fees department, copy of our Remittance Form and a copy of the money order for the Regulatory Fee and Late Payment Penalty.

Thank you for taking the time to review this matter and I look forward to your decision. Should you have any questions regarding the matter, I may be contacted directly at 217-452-4105.

Sincerely,

Chad Winters

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FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JUN 23 2008

OFFICE OF
MANAGING DIRECTORBilly Washington
Post Office Box 366
Tifton, GA 31793Re: W62DE TV
Tifton, Georgia
Fiscal Year 2007 Regulatory Fee
Fee Control No. RROG-08-00010087

Dear Mr. Washington:

This is in response to your letter dated January 10, 2008 (*Request*), filed on behalf of Station W62DE TV, Tifton, Georgia (the Station) for waiver of the \$105.00 penalty for late payment of the \$420.00 fiscal year (FY) 2007 regulatory fee. Our records reflect that of the \$525.00 total amount that the Station owes for FY 2007 (*i.e.*, \$420.00 plus \$105.00), the Station has paid \$210.00, with a balance due of \$315.00. For the reasons set forth below, we deny your request.

You recite that “[d]ue to financial situations[,] I’m asking the F.C.C. to waive the late penalty on the Reg. [*sic*] fees that is [*sic*] due.”¹ You assert that “[i]nformation concerning this matter was sent in Oct. ’07.”² You say that “I will be sending in \$210.00 today . . . [, with the Bal [*sic*] to be sent in April ’08.”³

Our records reflect that the Commission received from the Station a \$210.00 FY 2007 payment on January 14, 2008, almost four months after the due date for payment of the FY 2007 regulatory fee, *i.e.*, September 19, 2007,⁴ with the remaining \$210.00 balance on the regulatory fee still outstanding.⁵ Contrary to your assertion, our records do not reflect our having received any “[i]nformation concerning this matter” from the Station regarding the FY 2007 regulatory fee during October of 2007 or otherwise.

¹ *Request* at 1.

² *Id.* at 1.

³ *Id.*

⁴ See *Assessment and Collection of Regulatory Fees for Fiscal Year 2007, Report and Order and Further Notice of Proposed Rulemaking*, 22 FCC Rcd 15712 (2007); *Public Notice, Payment Methods and Procedures for Fiscal Year 2007 Regulatory Fees*, 22 FCC Rcd 16156, 16156 (Aug. 28, 2007) (reminding of September 19, 2007, filing deadline and 25 percent late payment penalty); *Public Notice, Fee Filer Now Available for 2007 Regulatory Fees*, 22 FCC Rcd 16051, 16051 (Aug. 23, 2007) (reminding of filing deadline and late payment penalty); *Public Notice, FY 2007 Regulatory Fees Due No Later Than September 19, 2007* (Aug. 13, 2007) (announcing the filing deadline and stating that late payments will be assessed a 25 percent late payment penalty).

⁵ As discussed, the \$105.00 penalty also remains outstanding.

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.⁶ 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.⁷ Your request does not indicate or substantiate that the Station met this obligation.⁸ We therefore find that the Station did not meet its obligation to file its FY 2007 regulatory fee to be received by the Commission in a timely manner. Accordingly, we deny your request for waiver of the penalty for late payment of the fiscal year 2007 regulatory fee.

Payment of the penalty for late payment of the FY 2007 regulatory fee, *i.e.*, \$105.00, is now due. Payment of the remaining balance of \$210.00 on the FY 2007 regulatory fee is also due. The total payment of \$315.00 (*i.e.*, \$105.00 plus \$210.00) should be submitted, together with a Form 159 (copy enclosed), within 30 days of the day of this letter. 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

Enclosure

⁶ 47 U.S.C. §159(c)(1).

⁷ See 47 C.F.R. §1.1164.

⁸ With respect to your statement that you seek a waiver of the penalty “[d]ue to financial situations,” we note that even though the Commission will waive its regulatory fees in those instances where a petitioner presents a compelling case of financial hardship, you do not request a waiver of the FY 2007 regulatory fee and provide no documentation that would support such a request. See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *on recon*, 10 FCC Rcd 12759 (1995).

RR0G-08-00010087

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2008 JAN 15 A 6:11

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Attention monize

This letter is In Request For
Station Call letters W62DE TV
Tifton, GA. FRN # 0013134218

Due to financial situations I'm
asking the F.C.C. to wave the late
penalty on the Reg. fees that
is Due. Information concerning this
matter was sent in Oct '07.

Per our agreement I will be
sending in 210⁰⁰ today by mail
Cashier check, to be Applied
to the acct. With the BAL
to be sent in APRIL, 08

Shank Billy Washington
224-392-4848
229 386-8642

Please call me to let me know you
Received this FAX (229)392-4848