



PUBLIC NOTICE

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

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DA-08-2020

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

PUBLIC NOTICE

Released: August 29, 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:

Asiavision, Inc. Station WQVA-LP – Request for waiver and refund of FY 2007 regulatory fee late payment penalty. **Granted** (July 24, 2008) [*See* Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995) (Reconsideration Order)]

BL Broadcasting, Inc. – Request for waiver of FY 2005 regulatory fee late payment penalty. **Denied** (July 24, 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

JUL 24 2008

OFFICE OF
MANAGING DIRECTOR

Dan J. Alpert
Counsel for Asiavision, Inc.
2120 N. 21st Road
Suite 400
Arlington, VA 22201

Re: Asiavision, Inc.
WQAV-LP, Atlantic City, New Jersey
FY 2007 Regulatory Fee
Fee Control No. 0708279365892220

Dear Mr. Alpert:

This is in response to your request filed September 18, 2007, on behalf of Asiavision, Inc., licensee of station WQAV-LP (WQAV), Atlantic City, New Jersey, for a waiver and refund of the Fiscal Year (FY) 2007 regulatory fee. Our records reflect that you paid the \$345 FY 2007 fee for WQAV. For the reasons stated herein, we grant your request.

You recite that WQAV "currently is dark."¹ You attach a copy of a "Notification of Suspension of Operations" for WQAV that indicates the station went silent on July 20, 2007 for technical reasons.²

In *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995) (*Reconsideration Order*), the Commission determined that it would "grant petitions for waivers of the regulatory fees on grounds of financial hardship from licensees of broadcast stations which are dark (not operating). When a station is dark, it generally is either without or with greatly reduced revenues." Moreover, the Commission held that the imposition of a regulatory fee could be an impediment to the restoration of service by dark stations and that it "is unnecessary to require a licensee to make a further showing of financial hardship."³ The Commission also stated that broadcast stations which are dark "must request permission to suspend operation pursuant to Section 73.1740(a)(4) of the Rules."⁴

¹ Letter from Dan J. Alpert to Andrew S. Fishel (filed September 18, 2007) (Letter).

² Letter at Attachment.

³ See *Reconsideration Order 10 FCC Rcd. at 12762*.

⁴ *Id.*

Mr. Dan J. Alpert

2.

Our records indicate that WQAV resumed service as of September 27, 2007. Thus, because the station went silent on July 20, 2007 and was still silent on the fee due date, September 19, 2007, we find that a waiver of the regulatory fee in this case is consistent with the Commission's policy to grant waivers of such fees on grounds of financial hardship for broadcast stations that have ceased operation. We therefore grant WQAV'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 \$345.00, 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,

A handwritten signature in black ink, appearing to read "Mark Stephens", written over a horizontal line.

Mark Stephens
Chief Financial Officer

070827936589 2220

RECEIVED

Legal Office of

Dan J. Alpert

2007 SEP 25 12:24 PM

Arlington, VA 22201
DJA@COMMLAW.TV

FINANCIAL

(703) 243-8690

(703) 243-8692 (FAX)

September 18, 2007

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SEP 18 2007

Federal Communications Commission
Bureau / Office

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th St. S.W.
Washington, DC 20554

Re: Station WQAV-LP
Atlantic City, NJ
Facility No. 2959

Dear Mr. Fishel:

Asiavision, 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.

Asiavision, Inc. is licensee of Station WQAV-LP, Atlantic City New Jersey. The station currently is dark. See Attachment. Accordingly, a waiver of the 2007 Annual Regulatory Fee is appropriate. A refund of the \$345 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 Asiavision, Inc.

Payment was received 8/27/07