



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> 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-08-2314

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

## PUBLIC NOTICE

Released: October 21, 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:

**Fireweed Communications Corporations Stations KYES (TV), KYEX-LP, KZND-LP** - Request for waiver of FY 2005 regulatory fee. **Denied** (September 22, 2008) [See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995)]

**NationsLine, Roanoke, Virginia** - Request for waiver of FY 2007 regulatory fee late payment penalty **Denied** (September 22, 2008) [See 47 C.F.R. §1.1164]

**NECC Telecom, Inc.** - Request for waiver of FY 2005 regulatory fee late payment penalty **Denied** (September 22, 2008) [See 47 C.F.R. §1.1164]

**TEA-VISZ of Park Falls, Wisconsin Station W272AY** - Request for waiver of FY 2006 regulatory fee. **Granted** (September 22, 2008) [See Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 10 FCC Rcd 12759, 12761, para. 16 (1995)]

**World Television of Washington, LLC Station WNYA** - Request for partial refund of FY 2007 regulatory fee. **Granted** (September 22, 2008) [See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12763 (1995)]

# FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 22 2008

OFFICE OF  
MANAGING DIRECTOR

Jeremy Lansman  
President  
Fireweed Communications Corp.  
3700 Woodland Drive, #800  
Anchorage, AK 99517

Re: Fireweed Communications Corporation  
Stations KYES(TV), KYEX-LP, and  
KZND-LP, Anchorage, AL  
FY 2005 Regulatory Fee  
Fee Control No. 00000RROG-06-00007343

Dear Mr. Lansman:

This letter responds to your request dated April 19, 2006 (*Request*), submitted on behalf of Fireweed Communications Corporation for a waiver of the fiscal year (FY) 2005 regulatory fees for Stations KYES(TV), KYEX-LP, KZND-LP, Anchorage, Alaska, and three associated translator stations on grounds of financial hardship.<sup>1</sup> Our records reflect that you have not paid the \$6,600.00 regulatory fees at issue here, nor the \$1,650.00 penalty for late payment of the regulatory fees.<sup>2</sup> For the reasons stated herein, we deny your request.

You claim that Fireweed "is in financial distress" and that "[t]he regulatory fee payment will significantly impact the ability of Fireweed . . . to provide over the air television broadcast service to the public[.]"<sup>3</sup> You contend that "[t]he number of TV stations in Anchorage are limited by economics, not spectrum, allowing more broadcasters in Anchorage than lower 48 markets, many of which are bound to have economic

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<sup>1</sup> You also request a waiver of the FY 2004 regulatory fees. The Office of Managing Director (OMD) granted Fireweed a waiver of the FY 2004 regulatory fees on May 25, 2005. Your waiver request with respect to FY 2004 is therefore moot. See Letter from Mark A. Reger, Chief Financial Officer, OMD, FCC, to Jeremy Lansman, Fee Control No. 00000RROG-05-030 (dated May 25, 2005). In addition, you request a waiver of the FY 2001 regulatory fees, but on June 20, 2008, you advised Commission staff that this request was in error.

<sup>2</sup> The FY 2005 regulatory fee and penalty for station KYES(TV) is \$4,625.00 and \$1,156.25, respectively. The FY 2005 regulatory fee and penalty for each of the two low power stations and the three associated translator stations is \$395.00 and \$98.75, respectively.

<sup>3</sup> *Request* at 1.

difficulties.”<sup>4</sup> You assert that consolidation of competitors has “driv[en] prices sky high.”<sup>5</sup> You maintain that “[a]s a small business, it continues to operate a crippled main transmitter, whilst attempting to construct a full power DTV transmitter.”<sup>6</sup> You “admit[] this filing is delayed[, . . . and that m]ost difficult for accounting purposes are some ambiguous program contracts [and that] Fireweed is now in litigation with Warner Brothers on just such a contract[.]”<sup>7</sup> In a supplemental filing, you submit a copy of Fireweed’s “Profit and Loss” statement for the period from January 2005 through December 2005 (*2005 Profit and Loss Statement*) as well as a document explaining the compensation of Fireweed’s principals, officers, and highest paid employees (*2005 Salary Statement*).<sup>8</sup>

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a “petitioner presents a compelling case of financial hardship.”<sup>9</sup> In reviewing a showing of financial hardship, the Commission relies upon a licensee’s cash flow, as opposed to the entity’s profits, and considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public. Thus, even if a station loses money, any funds paid to principals and deductions for depreciation or amortization are considered funds available to pay the fees.

Our review of the record, including Fireweed’s *2005 Profit and Loss Statement* and *2005 Salary Statement* indicates that the financial loss that Fireweed suffered from January 1, 2005, through December 31, 2005, was fully offset by a depreciation deduction and the salaries paid to the corporation’s principals, *i.e.*, its president and vice president, which the Commission considers as funds available to pay the fees. In other words, the loss resulted from these items. Thus, Fireweed had money from the deduction for depreciation and compensation paid to its corporate officers from which it could pay the regulatory fees. Your allegation that Fireweed “is in financial distress” and that payment of the regulatory fee payment will impact Fireweed’s ability to provide service to the public does not persuade us otherwise. An entity’s ability to compensate its corporate principals reflects the entity’s ability to pay its regulatory fees without affecting its

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<sup>4</sup> *Id.* at 2.

<sup>5</sup> *Id.* at 3.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at n.1.

<sup>8</sup> See Email from Jeremy Lansman to Joanne Wall, Attachment (July 9, 2008).

<sup>9</sup> See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995).

"ability to serve the public."<sup>10</sup> We therefore find that Fireweed failed to establish that it lacked sufficient funds to pay the FY 2005 regulatory fees and we deny your waiver request on this basis. Payment of Fireweed's FY 2005 regulatory fees is now due. The \$6,600.00 FY 2005 regulatory fees for Stations KYES(TV), KYEX-LP, KZND-LP, and the three associated translator stations, along with the \$1,650.00 penalty for late payment of the regulatory fees,<sup>11</sup> for a total of \$8,250.00, should be submitted, together with a Form 159 (copy enclosed), within 30 days of the day of this letter.

You have also requested confidential treatment of the material that you submitted with your request for fee relief. Pursuant to section 0.459(d)(1) of the Commission's rules, 47 C.F.R. §0.459(d)(1), we do not routinely rule on requests for confidential treatment until we receive a request for access to the records. The records are treated confidentially in the meantime. If a request for access to the information submitted in conjunction with your regulatory fees is received, you will be notified and afforded the opportunity to respond at that 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

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<sup>10</sup> *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd at 12762.

<sup>11</sup> The Communications Act of 1934, as amended, (the "Act") requires the Commission to assess a penalty of 25 percent on any regulatory fee not paid in a timely manner. 47 U.S.C. § 159(c)(1). Specifically, the Act requires us to "prescribe by regulation an additional charge which shall be assessed as a penalty for a late payment of fees required by subsection (a) of this section. Such penalty shall be 25 percent of the amount of the fee which was not paid in a timely manner." 47 U.S.C. § 159(c)(1). The Commission's rules provide that a timely payment is one received at the Commission's lockbox bank by the due date. 47 C.F.R. § 1.1164.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 22 2008

OFFICE OF  
MANAGING DIRECTOR

Ginny Shelton  
Advertising Director  
NationsLine  
Post Office Box 13287  
Roanoke, Virginia 24037-3287

Re: Request for Waiver of FY 2007  
Regulatory Late Fee  
Fee Control No. 0803199088206003

Dear Ms. Shelton:

This responds to your Letter requesting waiver of the penalty for late payment of the fiscal year (FY) 2007 regulatory fee for NationsLine, Roanoke, Virginia.<sup>1</sup> Our records reflect that the FY 2007 regulatory fee penalty in the amount of \$50.25 has not been paid. For the reasons set forth below, your request is denied.

In your Letter, you state that "2007 was a very difficult financial year" for NationsLine and "resulted in the loss of several personnel, including [the company's] Compliance Manager."<sup>2</sup> You also state that "[t]he reports and fees were completed and filed as quickly as possible in an attempt to be compliant; albeit late."<sup>3</sup> Based on the foregoing, you "ask for leniency in this matter and a waiver of these penalties, which would further delay a rebound from [NationsLine's] fiscal shortcomings."<sup>4</sup>

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. 47 U.S.C. § 159(c)(1). It is the obligation of the licensee 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.<sup>5</sup> Your request does not indicate or substantiate that you met this obligation. Nor does the statute permit the Commission to remove this obligation under circumstances such as those you recite.<sup>6</sup> Therefore, your request is denied.

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<sup>1</sup> Letter from Ginny Shelton, NationsLine, to Revenue & Receivables Operations Group, FCC (undated) (Letter).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See 47 C.F.R. § 1.1164, *Assessment and Collection of Regulatory Fees for Fiscal Year 2007*, 22 FCC Rcd 15712, 15729 ¶ 53 (2007).

<sup>6</sup> With respect to your statement that 2007 was a "difficult financial year" and "resulted in the loss of ... personnel," we note that although the Commission will waive its regulatory fees in those instances where a petitioner presents a compelling case of financial hardship, see *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346, *on recon*, 10 FCC Rcd 12759 (1995), you do not request a

Ginny Shelton, Advertising Director

2.

Payment of the \$50.25 penalty for late payment of the FY 2007 regulatory fee is now due. The penalty should be submitted, together with a copy of Bill number 0820000052 (copy enclosed), within 30 days of 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,



Mark Stephens  
Chief Financial Officer

Enclosure

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waiver of the FY 2007 regulatory fee on this basis and in any event provide no documentation that would support such a request.

RROG-08-000/0528



P.O. Box 13287 • Roanoke, VA 24037-3287 • Toll Free: 866-262-4114

Mr. Stephen French  
Federal Communications Commission  
Revenue & Receivables Operations Group  
P. O. Box 979088  
St. Louis MO 63197-9000

**REF: FRN: 0012391678**

NationsLine District of Columbia, Inc. has been placed in Red Light Status due to late fees for our 2007 Regulatory Fees. Therefore, I am requesting a waiver of the penalties and the removal of Red Light Status.

I have attached the 2007 and 2008 YTD Income Statements which will show the financial status explained above. Please feel free to contact me at 540-444-2117 if you need additional information. Thank you for your help.

Ginny Shelton  
Advertising Director

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 22 2008

OFFICE OF  
MANAGING DIRECTOR

Daniel Popa  
Chief Executive Officer  
NECC Telecom, Inc.  
605 North Shore Drive, Unit 101  
Jeffersonville, Indiana 47130

Re: Request for Waiver of FY 2005  
Regulatory Late Fee  
Fee Control No. 0805239088262002

Dear Mr. Popa:

This responds to your Letter dated May 12, 2008 requesting waiver of the penalty for late payment of the fiscal year (FY) 2005 regulatory fee for NECC Telecom, Inc. (NECC), Jeffersonville, Indiana.<sup>1</sup> Our records show that the FY 2005 regulatory fee penalty in the amount of \$10,214.75 has not been paid. As set forth below, your request is denied.

In your Letter, you state that NECC changed its address in 2003 from Windmill Lane to 605 North Shore Drive, Unit 101, Jeffersonville, Indiana 47130.<sup>2</sup> You also state that the Commission's invoice for the regulatory fee, dated July 15, 2005, never made it to your Indiana office.<sup>3</sup> For this reason, you ask that the late penalty be waived.<sup>4</sup>

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. 47 U.S.C. § 159(c)(1). It is the obligation of the licensee 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.<sup>5</sup> Your request does not indicate or substantiate that you met this obligation. Nor does the statute permit the Commission to waive the late penalty under circumstances, such as those you recite, where you allegedly did not receive notification of the regulatory fee at your new address. The Commission's efforts in this regard are intended as a public service for the benefit and convenience of licensees. As noted above, however, KDYN's regulatory fee obligations are established by the Communications Act, the Commission's rules, and the Commission's Report and

<sup>1</sup> Letter from Daniel Popa, Chief Executive Officer, NECC to Anthony Dale, Managing Director, FCC (dated May 12, 2008) (Letter).

<sup>2</sup> Letter.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> See 47 C.F.R. § 1.1164; *Assessment and Collection of Regulatory Fees for Fiscal Year 2005*, 20 FCC Rcd 12259, 12274 ¶ 49 (2005). We point out that Section 1.1158 of the Commission's rules permits payment of regulatory fees by means other than mailing, such as electronic transfer.

Daniel Popa, Chief Executive Officer

2.

Order and Public Notices identifying the due date and other pertinent information. Thus, your claimed non-receipt of the regulatory fee notification, regardless of the cause, cannot serve as a basis for the Commission to waive the late payment penalty that is made obligatory by federal law. Further, although you may not have been aware of or fully understood the Communications Act or the Commission's rules regarding regulatory fees, Commission licensees are expected to know and understand the requirements and rules governing their licenses.<sup>6</sup> Therefore, your request is denied.

Payment of the \$10,214.75 penalty for late payment of the FY 2005 regulatory fee is now due. The penalty should be submitted, together with a copy of the bill (copy enclosed), within 30 days of 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,



Mark Stephens  
Chief Financial Officer

Enclosures

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<sup>6</sup> Among other things, the Commission issued Public Notices announcing the due date for payment of FY 2005 fees. *Public Notice*, DA 05-2087, July 27, 2005; *Public Notice*, DA 05-2088, August 1, 2005. The Commission also informs licensees of due dates and other pertinent payment information on its website. See *Assessment and Collection of Regulatory Fees for Fiscal Year 2005*, 20 FCC Rcd 12259, 12268, ¶ 27 (2005).



9257

0805239088262002

May 12, 2008

Anthony Dale, Managing Director  
Federal Communication Commission  
445 12th Street, SW Room 1A366  
Washington, DC 20554  
fax: 202-418-2844

Re: Bill # 05RE007524-----\$51,073.73  
Applicant FRB 007026834  
Fed Tax ID # 30-0025116

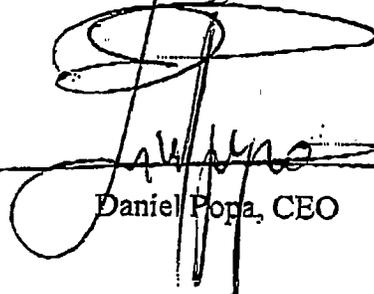
To whom it may concern:

NECC Telecom, Inc had changed their address in 2003 from Windmill lane to 605 North Shore Dr, unit 101, Jeffersonville, IN 47130 address.

This invoice, dated 07/15/2005 never made it to our Indiana office. Due to this reason, we ask that you waive the penalty of \$10,214.75 and let us pay the invoice as it was originally billed.

If you have any questions, please contact **Fiona Hamza** at 502 -327 -0055.

Sincerely,



Daniel Popa, CEO

NECC Telecom, Inc.

www.necc.us

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 22 2008

OFFICE OF  
MANAGING DIRECTOR

Mr. Scott A. Reinhard  
TEA-VISZ  
Post Office Box 151  
Park Falls, Wisconsin 54552

Re: W272AY, Park Falls, Wisconsin  
Request for Waiver of FY 2006  
Regulatory Fee and Late Fee  
Fee Control No. RROG-08-00010040

Dear Mr. Reinhard:

This is in response to your Letter dated December 4, 2007, concerning your previous request for waiver of the fiscal year (FY) 2006 regulatory fee and late penalty for translator station W272AY, which is owned by TEA-VISZ of Park Falls, Wisconsin.<sup>1</sup> By letter dated November 7, 2007, your previous request was denied for an insufficient showing that criterion (1) for eligibility for waiver as a translator station was met.<sup>2</sup> Our records show that the FY 2006 regulatory fee and late penalty, which total \$525, have not been paid. As explained below, your request is granted.

In your Letter, you state that W272AY is owned by TEA-VISZ, and that there are no officers or owners of TEA-VISZ other than you and your wife, Kathryn Reinhard.<sup>3</sup> You also state that neither you, your wife, nor TEA-VISZ has any ownership, in whole or in part, in a commercial broadcast station.<sup>4</sup> You further state that neither you, your wife, nor TEA-VISZ has any ownership interest in Heartland Communications Group, Inc. (Heartland), owner of WJJH, Ashland, Wisconsin, which signal TEA-VISZ re-broadcasts, and that Heartland has no ownership interest in TEA-VISZ.<sup>5</sup>

In implementing the regulatory fee program, the Commission stated that it would waive its regulatory fees for any community-based translator station upon a showing that the station:

<sup>1</sup> Letter from Scott A. Reinhard, TEA-VISZ, to Federal Communications Commission (December 4, 2007) (Letter).

<sup>2</sup> Letter from Mark Stephens, Chief Financial Officer, Federal Communications Commission to Scott A. Reinhard, TEA-VISZ (November 7, 2007). Criteria (2) and (3) were met in your previous showing. You were afforded 30 days to submit a more complete showing under criterion (1).

<sup>3</sup> Letter at 1. You attach to your Letter a copy of TEA-VISZ's Wisconsin Domestic Corporation Annual Report form showing you and your wife are the only two officers or directors of the company. Letter at Attachment.

<sup>4</sup> Letter at 1.

<sup>5</sup> Letter at 1.

Mr. Scott A. Reinhard

2.

(1) is not licensed to, in whole or in part, and does not have common ownership with, the licensee of a commercial broadcast station; (2) does not derive income from advertising; and (3) is dependent on subscriptions or contributions from the members of the community served for support.<sup>6</sup>

The licensee bears the burden of documenting its eligibility for the waiver; otherwise, the regulatory fee is due. *Id.* Based on the information you submitted, it appears that W272AY meets the criteria for the type of translator operation for which the Commission will waive regulatory fees. We therefore grant your request on behalf of the station for waiver of the FY 2006 regulatory fee.

Please note that, as licensee of W272AY, you are under a continuing obligation to report to the Commission any changes that could affect the station's qualifications for this fee exemption, such as a change in its operations in accordance with the requirements set forth above. You should retain this letter and submit a copy of it with any future correspondence with the Commission concerning regulatory fees for the station.

If you have any questions concerning this matter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens  
Chief Financial Officer

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<sup>6</sup> *Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, 10 FCC Rcd 12759, 12761, para. 16 (1995).

RR06-08-000/0040

August 21, 2007

Federal Communications Commission  
Revenue & Receivables Operations Group  
P.O. Box 358365  
Pittsburgh, PA 15251-5365

FCC/RELCN

AUG 24 2007

Dear Revenue & Receivables Operations Group,

I just received the enclosed invoice. Please find my correspondence from August 19, 2006, requesting a Waiver of Regulatory Fees for Translator W272AY, "for good cause shown". I have not received an answer regarding my request. I am also enclosing my financial statement for 2006, which is now completed. In my original letter, I enclosed my 2004 and 2005 financial statements.

Thank you in advance for looking into this matter. If you need any additional information, please contact me.

Sincerely,



Scott A. Reinhard  
TEA-VISZ  
P.O. Box 151  
Park Falls, WI 54552

FILE

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554  
SEP 22 2008

OFFICE OF  
MANAGING DIRECTOR

Lawrence Rogow  
Chairman  
Venture Technologies Group, LLC  
5670 Wilshire Boulevard, Suite 1300  
Los Angeles, California 90036

Re: WNYA, Pittsfield, Massachusetts  
Request for Waiver of FY 2007  
Regulatory Fee  
Fee Control No. 0709113965896164

Dear Mr. Rogow:

This is in response to your letter dated September 28, 2007 on behalf of World Television of Washington, LLC ("World Television"), licensee of television station WNYA, Pittsfield, Massachusetts, for a partial refund of the fiscal year (FY) 2007 regulatory fee.<sup>1</sup> You request a refund of \$4,550, the difference between the regulatory fee that WNYA paid for UHF television stations in markets 51 through 100 pursuant to section 1.1153 of the Commission's rules (\$6,300) and the amount charged to such stations in remaining markets, *i.e.*, markets ranked 101 and below (\$1,750).<sup>2</sup> Our records reflect that you paid the \$6,300 regulatory fee. For the reasons stated herein, we grant your request.

WNYA is in the Albany-Schenectady-Troy, New York Designated Market Area (DMA), which is the 56<sup>th</sup> largest market.<sup>3</sup> You state that WNYA's "signal cannot be received over-the-air in Albany, Schenectady or Troy."<sup>4</sup> You also state that WNYA's "Grade B service area [covers only] 667,701 people within the Albany-Schenectady-Troy DMA." You state that the DMA includes 1,358,000 persons. Thus, you assert, WNYA's "over-the-air signal reaches less than 50% of the Albany-Schenectady-Troy DMA populace."<sup>5</sup>

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<sup>1</sup> Letter from Lawrence Rogow, Chairman, Venture Technologies Group, LLC (September 28, 2007) (Letter).

<sup>2</sup> Letter at 2.

<sup>3</sup> See *Television & Cable Factbook*, No. 76, A-3 (2008) (*Factbook*). We note that the Nielsen DMA, TV Household information and television market rankings in the 2008 edition of the *Factbook* are based on the 2007 Nielsen U.S. Television Household Estimates. *Id.* at A-1.

<sup>4</sup> Letter at 1.

<sup>5</sup> Letter at 1. You attach a map that depicts WNYA's Grade B service area and population. See Letter, Attachment A.

Further, you state that because "there are 2.44 persons per television household within the Albany-Schenectady-Troy DMA and 273,648 television households within the Grade B service area of WNYA, the [station] is effectively serving a market equivalent to DMA market size number 105."<sup>6</sup>

In deciding whether to reduce regulatory fees for a television station below the fees assessed for stations in the relevant DMA, the Commission has considered factors such as whether the station is located outside the principal city's metropolitan area, whether it provides a Grade B signal to a substantial portion of the market's metropolitan area, and whether it lacks network affiliation.<sup>7</sup> Stations with such characteristics that request fee reductions will be assessed regulatory fees based on the number of households they serve; stations that serve fewer television households than are in the 100<sup>th</sup> market will be assessed the regulatory fee for remaining market stations.<sup>8</sup>

With respect to the FY 2007 regulatory fee, we find that because WNYA is located outside the principal city's metropolitan area in its assigned DMA and does not provide a Grade B signal to a substantial portion of its market's metropolitan area, the station meets the Commission's standards, as set forth above, for reducing the station's regulatory fee. In the absence of Nielsen data reflecting the number of television households covered by WNYA, our review of the data you have submitted reflects that the station's Grade B contour covers 273,648 television households and thus serves households comparable to those served by stations in the 106<sup>th</sup> DMA.<sup>9</sup> Under the circumstances, we find that it is appropriate that WNYA be treated as comparable to a UHF commercial television station in remaining markets and be subject to a \$1,750 regulatory fee for FY 2007. We therefore grant station WNYA a refund of the FY 2007 regulatory fee in the amount of \$4,550.

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<sup>6</sup> Letter at 2. We note that, applying your analysis to the television market rankings in the 2008 edition of the *Factbook*, the station is effectively serving a market equivalent to DMA market size 106. *See Factbook* at A-5.

<sup>7</sup> *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12763 (1995).

<sup>8</sup> *Id.*

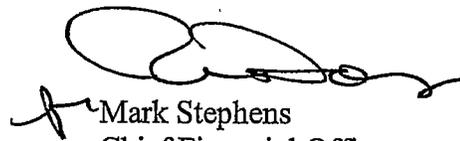
<sup>9</sup> *See supra* n.6.

Lawrence Rogow, Chairman

3.

A check made payable to the maker of the original check and drawn in the amount of \$4,550 will be provided at the earliest practicable time. If you have any questions concerning this letter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens  
Chief Financial Officer

Venture  
Technologies  
Group, LLC



5670 Wilshire Boulevard, Suite 1300  
Los Angeles, California 90036  
Tel: 323.965.5400 Fax: 323.965.5411

0709113965896164

September 28, 2007

VIA FEDEX 2<sup>ND</sup> DAY DELIVERY

Office of the Managing Director  
Attn: Regulatory Fee Waiver/Reduction Request  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room 1-A625  
Washington, D.C. 20554

Re: Request for Partial Refund of Regulatory Fees for Fiscal Year 2007  
Venture Technologies Group, LLC  
WNYA, Channel 51, Pittsfield, MA  
Facility Id. No. 136751

Dear Office of the Managing Director:

World Television of Washington, LLC ("VTG"), licensee of WNYA, Channel 51 at Pittsfield, MA, hereby requests a reduction in its regulatory fees pursuant to "FY2000 Mass Media Regulatory Fees," Public Notice 20318, August 2, 2000.

The Albany-Schenectady-Troy Designated Market Area ("DMA") is a Top 100 DMA and stations in this market are required to pay \$6,300 as its annual regulatory fee in the 2007 Fiscal Year. The Albany-Schenectady-Troy DMA includes 1,358,000 persons. (BIA's Television Year Book 2005).

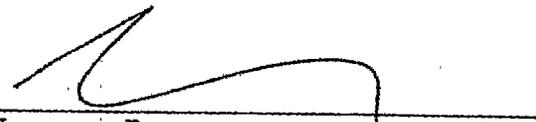
**X** In the implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, the Commission concluded that stations that "lack network affiliations, and are located outside of the principle city's metropolitan area and do not provide a grade B signal to a substantial portion of the market's metropolitan areas...will be assessed a fee based on the number of television households served, and will be charged the same as stations serving markets within the same number of television households." 10 FCC Red 12759 (1995), paras. 21-22.

WNYA is licensed to Pittsfield, MA and its signal cannot be received over-the-air in Albany, Schenectady or Troy. In fact, as illustrated in the attached map of WNYA's Grade B contour (See Attachment A), WNYA's Grade B service area can only be received by 667,701 people within the Albany-Schenectady-Troy DMA. In other words, the WNYA over-the-air signal reaches less than 50% of the Albany-Schenectady-Troy DMA populace.

Accordingly, VTG believes that circumstances dictate that the WNYA regulatory fees be adjusted in accordance with the Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, 10 FCC Rcd 12759 (1995), paras. 21-22. as there are 2.44 persons per television household within the Albany-Schenectady-Troy DMA and 273,648 television households within the Grade B service area of WNYA, the Licensee is effectively serving a market equivalent to DMA market size number 105 based on the Nielsen TV Household Estimates Data as of September 2006 from the 2007 Television & Cable Factbook (See Attachment B). Stations in markets outside of 100 pay a regulatory fee of \$1,750 which is \$4,550 less than what WNYA paid in 2007 (See Attachment C).

VTG therefore requests a refund of \$4,550.

Sincerely,



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Lawrence Rogow  
Chairman  
Venture Technologies Group, LLC

3 Attachments.