

FEDERAL COMMUNICATIONS COMMISSION

FILE

Washington, D. C. 20554

OCT 23 2008

OFFICE OF
MANAGING DIRECTOR

Ed Smith
Joy Christian Radio
Joy Christian Communications, Inc.
476 Eden Valley Road SE
Rome, GA 30161

Re: Joy Christian Communications, Inc.
Station WRSM AM, Sumiton, AL
Fee Control No. RROG-08-000010452

Dear Mr. Smith:

This is in response to your request dated July 8, 2008 (*Request*), filed on behalf of Joy Christian Communications (JCC), for a waiver of the fiscal year (FY) 2004 regulatory fee and associated penalty for late payment of the regulatory fee for Station WRSM AM (the Station or WRSM), Sumiton, Alabama. Our records reflect that neither the \$425.00 regulatory fee nor the \$97.75 penalty, for a total of \$522.75, has been paid.

You recite that the Station, "licensed to Sumiton Broadcasting Co., Inc. [(Sumiton),] was donated to our non-profit organization . . . in mid-March, 2008."¹ You state that JCC "subsequently filed a form 314 for the assignment of license in April following[.]"² You say that JCC "discovered that a Red Light Status was placed against Sumiton . . . for non-payment of a 2004 regulatory fee . . . [and it] is blocking the grant of our FCC form 314 . . . and its related license renewal."³ You assert that JCC "had nothing to do with the generation of these regulatory fees[.]"⁴ You maintain that "WRSM was in shambles when we put it back on the air in March 2008 . . . [and that t]he facility was totally ravaged by copper thieves . . . who raided the facility since it has been off the air due to court battles between stockholders of Sumiton[.]"⁵ You say that JCC put "WRSM back on the air prior to the 12 month mandatory FCC deadline for silent operations [that]

¹ *Request* at 1.

² *Id.*

³ *Id.* (stating that "[t]his delinquent fee has now been turned over to a collections attorney in Dallas, TX for collection, after making its way through the US Treasury Department").

⁴ *Id.*

⁵ *Id.*

would have caused the station's broadcast license to be canceled for the second time [.]”⁶ You aver that Sumiton's majority stockholder “lost a court case in which the minority stockholder . . . sued and won, proving that [the majority stockholder in Sumiton] tried deliberately to kill WRSM by maliciously going silent with no notification to anyone[.]”⁷ You state that “[s]ometime in 2005, WRSM's broadcast license was canceled and its call sign deleted because they had been off the air for over 12 consecutive months.”⁸ You say that “in March 2007, the FCC granted the petition of reconsideration by Sumiton and WRSM's license was reinstated.”⁹ You state that “[b]y the time . . . this happened, WRSM had been off the air for 11 months since the license was reinstated . . . [, whereupon] the license and certain assets were donated to [JCC].”¹⁰ You claim that Sumiton “is now broke and about to be dissolved.”¹¹

Our records reflect that Sumiton was the licensee of the Station on October 1, 2003, and that Sumiton subsequently filed an application to assign the license for the Station to JCC and an application to renew the Station's license, both of which applications remain pending. Licensees and other holders of Commission authorizations are responsible for regulatory fee payments. Hence, the Commission normally considers requests for waivers of the regulatory fees that are filed by the entities required to pay the regulatory fees at issue.¹² Because Sumiton held the license for the Station on October 1, 2003 and throughout the 2004 fiscal year, Sumiton is required to pay the regulatory fee for FY 2004.¹³ Because JCC did not hold the license for the Station during the relevant time

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* 1-2.

¹⁰ *Id.* at 2.

¹¹ *Id.*

¹² See generally *Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Report and Order*, 9 FCC Rcd 5333, 5344-45 (1994) (*1994 Report and Order*), on recon., *Memorandum Opinion and Order*, 10 FCC Rcd 12759, 12762 (1995) (*1995 MO&O*).

¹³ See *Assessment and Collection of Regulatory Fees for Fiscal Year 2004, Report and Order*, 19 FCC Rcd 11662, 11681, para. 68(a) (2004) (“Media services: The responsibility for the payment of regulatory fees rests with the holder of the permit or license as of October 1, 2003. However, in instances where a license or permit is transferred or assigned after October 1, 2003, responsibility for payment rests with the holder of the license or permit at the time payment is due.”). The FY 2004 regulatory fee was due on August 19, 2004.

Mr. Ed Smith

3.

period, JCC is not the appropriate entity to file a request for waiver of the Station's FY 2004 regulatory fee. We therefore dismiss JCC's request for waiver of the Station's FY 2004 regulatory fee and associated late payment penalty. In so holding, we point out that because JCC has never held the license for WSRM, it bears no responsibility to pay the FY 2004 regulatory fee.

You also request that the "Red Light Status be lifted immediately[.]"¹⁴ Please note that we will address this matter separately from your fee waiver request.

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", with a large, stylized initial "M" and a long, sweeping underline.

Mark Stephens
Chief Financial Officer

¹⁴ Request at 2.



476 Eden Valley Road SE
Rome, GA 30161
Studio 706-234-7171
Office 706-234-1237

July 8, 2008

Federal Communications Commission, Inc.
Washington, DC

RE: Red Light Status on WRSM, Sumiton, AL.

Dear Sirs:

WRSM AM, facility #63652; licensed to Sumiton Broadcasting Co. Inc. was donated to our non-profit organization, Joy Christian Communications, Inc. in mid-March, 2008. We subsequently filed a form 314 for the assignment of license in April following (BAL 20080501AAG).

We discovered that a Red Light Status was placed against Sumiton Broadcasting Co. Inc. for non-payment of a 2004 Regulatory Fee. This fee has now escalated to over \$760.00 due to penalties and interest, and is blocking the grant of our FCC form 314 mentioned above and its related License Renewal. This Delinquent Fee has now been turned over to a collections attorney in Dallas, TX for collection, after making its way through the US Treasury Department.

I wish to point out several facts about this radio station, and our involvement in it. Joy Christian Communications, Inc. had nothing to do with the generation of these regulatory fees, now delinquent due to Sumiton Broadcasting's negligence in this regard. WRSM was in shambles when we put it back on the air in March, 2008. The facility was totally ravaged by copper thieves and others who raided the facility since it has been off the air due to court battles between stockholders of Sumiton Broadcasting Co. Joy Christian Communications has gone to the expense and trouble of putting WRSM back on the air prior to the 12 month mandatory FCC deadline for silent operations would have caused the station's broadcast license to be canceled for the second time for this type of violation of FCC Rules. I would also like to note that Sumiton Broadcasting's majority stockholder, Mr. Thomas Herb Steadman lost a court case in which the minority stockholder, Mr. Mark Chapman sued and won, proving that Mr. Steadman tried deliberately to kill WRSM by maliciously going silent with no notification to anyone, and by other actions by Mr. Steadman. Mr. Chapman is now the court-appointed representative in charge of disposing of the assets of Sumiton Broadcasting, which consists exclusively of WRSM and its related assets.

Sometime in 2005, WRSM's broadcast license was canceled and its call sign deleted because they had been off the air for over 12 consecutive months. Then, in

March, 2007, the FCC granted the petition of reconsideration by Sumiton and WRSM's license was reinstated. A new purchaser was in the mix by this time, and filed a form 314 for assignment of license. Unfortunately, this purchaser could not secure financing and did not consummate the transaction. By the time all of this happened, WRSM had been off the air for 11 months since the license was reinstated. It was then that the license and certain assets were donated to Joy Christian Communications, Inc.

In light of these facts, I would like to request that the FCC consider two things on our behalf today. In light of the negligence of WRSM and past history of its lengthy and continued silent operations and court battles that have left the station in shambles; and since the grant of the form 314 (BAL 20080501AAG) to Joy Christian Communications, Inc. would completely change this situation for the better, we propose the following:

- 1) I request the Red Light Status be lifted immediately to allow the FCC to process and approve the pending Renewal of License, as well as our Form 314 (BAL 20080501AAG).
- 2) I further request that the Regulatory Fee due in 2004 that has now escalated to over \$760.00 be either reduced or eliminated, due to the fact that Joy Christian Communications, Inc. will now have to shoulder the responsibility of paying that bill, since the station was donated to our organization. This, I feel, would be fair to Joy Christian Communications, Inc., since WRSM was donated to Joy Christian Communications, Inc.; and since Sumiton Broadcasting is now broke and about to be dissolved.

I strongly feel that these actions will assist us in our efforts to restore WRSM in the community's eyes, and setup a fair and equitable arrangement for the quick assignment of WRSM's license to Joy Christian Communications. This will also greatly assist us as we turn the page on a rather ugly part of WRSM's history; changing the direction of this troubled facility in its future. I truly hope you agree with this proposal and grant it swiftly.

In Our Master's Joyful Service,

S/ Ed Smith
Joy Christian Communications, Inc

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 23 2008

FILE

OFFICE OF
MANAGING DIRECTOR

Dennis J. Kelly, Esq.
Post Office Box 41177
Washington, D.C. 20018-0577

Re: Station WHHQ(AM)
Elizabethton, Tennessee
Mediatrix SC, Inc.
FY 2007 Regulatory Fee
Fee Control No. RROG-08-00010598

Dear Mr. Kelly:

This is in response to your correspondence dated August 25, 2008 (*Request*), submitted on behalf of Mediatrix SC, Inc. (Mediatrix), former licensee of Station WHHQ(AM) (*Station*), Elizabethton, Tennessee, for a waiver of the Fiscal Year (FY) 2007 regulatory fee. Our records reflect that Mediatrix has not paid the \$725.00 FY 2007 regulatory fee or the \$181.21 penalty for late payment of the regulatory fee, for a total amount of \$906.25. For the reasons stated herein, we grant your request.

You recite that Mediatrix "once was the licensee of [the *Station*, which] ceased broadcasting on or about April 29, 2006, and Mediatrix returned the . . . license to the FCC for cancellation on April 27, 2007."¹ You state that the *Station's* "license was cancelled and its facilities were deleted."²

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.³ Our records reflect that the *Station* went silent on April 29, 2006, and that the Media Bureau (Bureau) granted Mediatrix's request for Special Temporary Authority (STA) for the *Station* to remain silent on June 5, 2006, and that the STA expired on September 5, 2006.⁴ The Bureau subsequently granted Mediatrix's request for an

¹ *Request* at 1.

² *Id.*

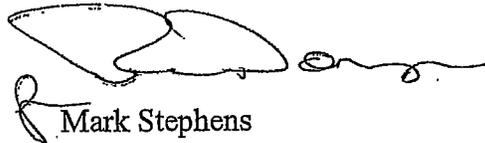
³ See *Reconsideration Order* at 12762 (broadcast stations which are dark "must request permission to suspend operation pursuant to Section 73.1740(a)(4) of the Rules.").

⁴ See Letter from H. Taft Snowdon, Media Bureau, to Dennis J. Kelly, Esq., at 1 (Dec. 12, 2006).

extension of the STA on September 12, 2006, and the STA expired on December 12, 2006.⁵ The Bureau granted Mediatrix's request for a further extension of the STA on December 12, 2006, and before the license was due to expire on April 30, 2007,⁶ Mediatrix submitted the *Station's* authorization to the Media Bureau for cancellation. Our records indicate that the station license was cancelled on April 27, 2007, pursuant to the former licensee's request. Because the *Station* was not operating on the date that the FY 2007 regulatory fee was due (*i.e.*, September 19, 2007), and, indeed, Mediatrix no longer held a license for the Station, we grant Mediatrix's request for waiver of the FY 2007 regulatory fee.⁷

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

⁵ *Id.*

⁶ *Id.* at 1-2.

⁷ Because we grant the waiver request on other grounds, we do not address your assertion that the *Station* is exempt from paying the FY 2007 regulatory fee because it operated as a non-commercial station under section 73.503 of the Commission's rules, 47 C.F.R. §73.503.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 23 2008

OFFICE OF
MANAGING DIRECTOR

Ms. Dawn M. Sciarrino
Sciarrino & Associates, PLLC
Broadcast Legal Services
5425 Tree Line Drive
Centreville, Virginia 20120-1676

Re: On Top Communications of Georgia, LLC
Request for Waiver and Deferment
of FY 2006 Regulatory Fees
Fee Control No. RROG-08-00010492

Dear Ms. Sciarrino:

This responds to your Letter filed on July 22, 2008, on behalf of On Top Communications of Georgia, LLC, Debtor-in-Possession and licensee of broadcast station WFFM(FM) and auxiliary station WLE401, Ashburn, Georgia, and broadcast station WRXZ(FM) and auxiliary stations KPM406 and WMF735 (Licensee), Sylvester, Georgia, requesting waiver and deferment of the regulatory fees for fiscal year (FY) 2006 on account of financial hardship.¹ Our records indicate that the Licensee has not paid the FY 2006 regulatory fees and late penalties, which total \$2,206.25. As we explain below, your request is granted.

In your Letter, you state that on July 29, 2006, the Licensee and its parent company, On Top Communications, LLC, filed voluntary petitions for bankruptcy in the U.S. Bankruptcy Court, District of Maryland, seeking to reorganize under Chapter 11 of the U.S. Bankruptcy Code.² You state that, as such, the Licensee is currently operating as a debtor-in-possession and under the control of a court-appointed Chief Restructuring Officer.³ On September 2, 2008, you supplemented your waiver request with documentation showing that the Licensee was in bankruptcy on September 19, 2006, the FY 2006 regulatory fee deadline.⁴

¹ Letter from Dawn M. Sciarrino to Office of the Managing Director, FCC (filed July 22, 2008) (Letter).

² Letter at 1.

³ *Id.* at 2.

⁴ See, e.g., Letter from Dawn M. Sciarrino to Office of the Secretary, FCC (dated September 2, 2008), Attachment 3 at 60.

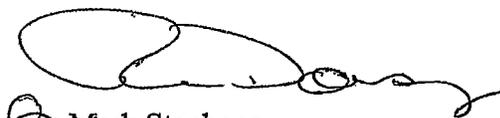
Ms. Dawn M. Sciarrino

2.

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership at the time the fees are due is sufficient to establish financial hardship. See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). Based on the documents you submitted concerning the Licensee's bankruptcy status, we will grant a waiver of the regulatory fees for FY 2006.

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", with a long, sweeping horizontal flourish extending to the right.

Mark Stephens
Chief Financial Officer

RR06-08-000109

SCHEIDT & ASSOCIATES, PLLC
BROADCAST LEGAL SERVICES

Flora M. Scheidt
flora@scsarrnlaw.com
www.scsarrnlaw.com

RECEIVED

AUGUST 31, 2006
JUL 23 2008

Financial Operations
Center

VIA FEDERAL EXPRESS - STANDARD

Federal Communications Commission
Office of the Managing Director
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554

FILED/ACCEPTED

JUL 22 2008

Federal Communications Commission
Office of the Secretary *K. J. ...*

Attn: Regulatory Fee Waiver/Reduction Request

Re: REQUEST FOR WAIVER AND DEFERAL OF FY 2006
REGULATORY FEES

On Top Communications of Georgia, LLC, Debtor-In-Possession
FRN: 0008-0027-19
WTFM (FM), Ashburn, Georgia (FIN 72056)
WLJG (FM)
WRXZ (FM), Sylvester, Georgia (FIN 33058)
KPM 406
WMAF 735

Dear Sir/Madam:

On Top Communications of Georgia, LLC, Debtor-In-Possession ("Licensee"), the licensee of the above-referenced stations, by its counsel and pursuant to Section 1.1166 of the Commission's rules, hereby respectfully requests a waiver of Section 1.1153 with regard to the FY 2006 annual regulatory fees owed by the Licensee. In addition, in lieu of submitting the FY 2006 regulatory fees and pursuant to Section 1.1166(e) of the Commission's rules, the Licensee requests a deferment of the submission of the FY 2006 regulatory fees. A total of \$1,755.00 in FY 2006 regulatory fees is owed by the Licensee.

On July 29, 2006, the Licensee and its parent company, On Top Communications, LLC, filed voluntary petitions for bankruptcy in the US Bankruptcy Court, District of Maryland, seeking to reorganize under Chapter 11 of the US Bankruptcy Code. See attached Notice of Chapter 11 Bankruptcy Case for On Top Communications of Georgia, LLC (Case No. 05-27042); Notice of Chapter 11 Bankruptcy Case for On Top Communications, LLC (Case No. 05-

5425 TREE LINE DR. CENTREVILLE, VA 20120-1676
703.830.1679 (phone) 703.991.7120 (fax)

PLS

August 31, 2006

Page 2

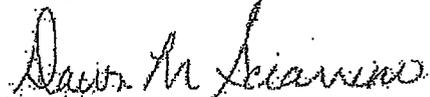
27037). As such, the Licensee is currently operating as a debtor-in-possession and under the control of a court appointed Chief Restructuring Officer.¹

In light of the Chapter 11 bankruptcy proceeding, the Licensee requests a deferral and waiver of the submission of the FY 2006 regulatory fees based on financial hardship. The Commission's grant of such a waiver is in the public interest and consistent with the Commission's precedent. Section 1.1166 provides for a waiver of regulatory fees: "where good cause is shown and where waiver, reduction or deferral of the fees would promote the public interest," 47 C.F.R. §1.1166. It has been long established by the Commission that reorganization under Chapter 11 bankruptcy is sufficient in and of itself to demonstrate financial hardship. See *Implementation of Section 9 of the communications Act*, 10 FCC Red 12,759, 12761-62 (1995); Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, FCC, to Stuart W. Nolan, Jr. (dated May 25, 2006) (granting waiver of FY 2003 and FY 2004 regulatory fees for licensee undergoing Chapter 11 bankruptcy when the request for waiver was filed on December 7, 2004, January 5, 2006, and February 23, 2006 and the licensee filed for Chapter 11 bankruptcy on November 3, 2000).

As evidenced by the Chapter 11 bankruptcy proceeding, the Licensee is in financial distress. Further, as established by Commission precedent, it is in the public interest for the FCC to grant a deferral and waiver of the FY 2006 regulatory fees for the above-referenced stations so that the Licensee may utilize its financial resources and use them to continue to operate WRZX(FM) and return WJFM(FM) to the air. Accordingly, the Licensee hereby respectfully requests that the Commission defer the submission of the FY 2006 regulatory fees, as well as grant a waiver of these fees based on financial hardship.

Should any questions arise concerning this matter, please contact the undersigned, counsel.

Respectfully submitted,


Dawn M. Sciarrino

Encls.

¹ See File Nos. BALH-20060103ACG and BTCH-20060512AAV.

SCIARRINO & ASSOCIATES, PLLC.
5425 TREE LINE DR. CENTREVILLE, VA 20120-1676
703.830.7679 (PHONE) 703.991.7120 (FAX)

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 23 2008

FILE

OFFICE OF
MANAGING DIRECTOR

Ms. Dawn M. Sciarrino
Sciarrino & Associates, PLLC
Broadcast Legal Services
5425 Tree Line Drive
Centreville, Virginia 20120-1676

Re: On Top Communications of Louisiana, LLC
Request for Waiver and Deferment
of FY 2006 Regulatory Fees
Fee Control No. RROG-08-00010489

Dear Ms. Sciarrino:

This responds to your Letter filed on July 22, 2008, on behalf of On Top Communications of Louisiana, LLC, Debtor-in-Possession and licensee of broadcast station KNOU (FM) and auxiliary stations WPSS604 and WPSS609 (Licensee), Empire, Louisiana, requesting waiver and deferment of the regulatory fees for fiscal year (FY) 2006 on account of financial hardship.¹ Our records indicate that the Licensee has not paid the regulatory fees and late penalties, which total \$937.50. As we explain below, your request is granted.

In your Letter, you state that on July 29, 2006, the Licensee and its parent company, On Top Communications, LLC, filed voluntary petitions for bankruptcy in the U.S. Bankruptcy Court, District of Maryland, seeking to reorganize under Chapter 11 of the U.S. Bankruptcy Code.² You state that, as such, the Licensee is currently operating as a debtor-in-possession and under the control of a court-appointed Chief Restructuring Officer.³ On September 2, 2008, you supplemented your waiver request with documentation showing that the Licensee was in bankruptcy on September 19, 2006, the FY 2006 regulatory fee deadline.⁴

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership at the time the fees are due is sufficient to establish financial hardship. See Implementation of Section 9 of the

¹ Letter from Dawn M. Sciarrino to Office of the Managing Director, FCC (filed July 22, 2008) (Letter).

² Letter at 1.

³ *Id.* at 2.

⁴ See, e.g., Letter from Dawn M. Sciarrino to Office of the Secretary, FCC (dated September 2, 2008), Attachment 3 at 60.

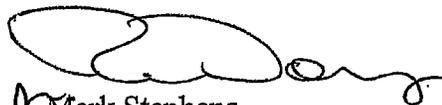
Ms. Dawn M. Sciarrino

2.

Communications Act, 10 FCC Rcd 12759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). Based on the documents you submitted concerning the Licensee's bankruptcy status, we will grant a waiver of the regulatory fees for FY 2006.

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', with a large, stylized flourish at the end.

Mark Stephens
Chief Financial Officer

RR06-08-0001048

RECEIVED

SCARRINO & ASSOCIATES, PLLC

1111 23700A BROADCAST LEGAL SERVICES

Dawn M. Scarrino
dms@scarrinolaw.com
www.ScarrinoLaw.com

Financial Operations
Center

August 31, 2006

FILED/ACCEPTED

JUL 22 2008

Federal Communications Commission
Office of the Secretary *Quinn*

VIA FEDERAL EXPRESS - STANDARD

Federal Communications Commission
Office of the Managing Director
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554

Attn: Regulatory Fee Waiver/Reduction Request

Re: REQUEST FOR WAIVER AND DEFER OF FY 2006
REGULATORY FEES
On Top Communications of Louisiana, LLC, Debtor-In-Possession.
FRN: 0005-0004-02
KNOWING, Empire, LA (DUN: 64100)
WSS600
WSS600

Dear Sir/Madam:

On Top Communications of Louisiana, LLC, Debtor-In-Possession ("Licensee"), the licensee of the above-referenced stations, by its counsel and pursuant to Section 1.1166 of the Commission's rules, hereby respectfully requests a waiver of Section 1.1153 with regard to the FY 2006 annual regulatory fees owed by the Licensee. In addition, in lieu of submitting the FY 2006 regulatory fees and pursuant to Section 1.1166(a) of the Commission's rules, the Licensee requests a deferral of the submission of the FY 2006 regulatory fees. A total of \$770.00 in FY 2006 regulatory fees is owed by the Licensee.

On July 29, 2006, the Licensee and its parent company, On Top Communications, LLC, filed voluntary petitions for bankruptcy in the US Bankruptcy Court, District of Maryland, seeking to reorganize under Chapter 11 of the US Bankruptcy Code. See attached Notice of Chapter 11 Bankruptcy Case for On Top Communications of Georgia, LLC (Case No. 05-27042); Notice of Chapter 11 Bankruptcy Case for On Top Communications, LLC (Case No. 05-27037). As such, the Licensee is currently operating as a debtor-in-possession and under the control of a court-appointed Chief Restructuring Officer.

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¹ See File Nos. BALR-20060103ACG and BTCH-20060512AAV.

5425 TREE LINE DR. CENTREVILLE, VA 20120-1676
703.830.1679 (phone) 703.991.7120 (fax)

Quinn

In light of the Chapter 11 bankruptcy proceeding, the Licensee requests a deferral and waiver of the submission of the FY 2006 regulatory fees based on financial hardship. The Commission's grant of such a waiver is in the public interest and consistent with the Commission's precedent. Section 1.1166 provides for a waiver of regulatory fees "where good cause is shown and where waiver, reduction or deferral of the fees would promote the public interest." 47 C.F.R. §1.1166. It has been long established by the Commission that reorganization under Chapter 11 bankruptcy is sufficient in and of itself to demonstrate financial hardship. See *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12,759, 12761-62 (1995); Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, FCC, to Stuart W. Nolan, Jr. (dated May 25, 2006) (granting waiver of FY 2003 and FY 2004 regulatory fees for licensee undergoing Chapter 11 bankruptcy when the request for waiver was filed on December 7, 2004, January 5, 2006, and February 23, 2006 and the licensee filed for Chapter 11 bankruptcy on November 3, 2000).

As evidenced by the Chapter 11 bankruptcy proceeding, the Licensee is in financial distress. Further, as established by Commission precedent, it is in the public interest for the FCC to grant a deferral and waiver of the FY 2006 regulatory fees for the above-referenced stations so that the Licensee may conserve its financial resources and use them to return KNOL(FM) to operational status. Accordingly, the Licensee hereby respectfully requests that the Commission defer the submission of the FY 2006 regulatory fees, as well as grant a waiver of these fees based on financial hardship.

Should any questions arise concerning this matter, please contact the undersigned counsel.

Respectfully submitted,


Dawn M. Sciarino

Encs.:

SCIARRINO & ASSOCIATES, PLLC

5425 TREE LINE DR., CENTREVILLE, VA 20120-1676

703.830.1679 (PHONE) 703.991.7120 (FAX)

FILE

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 23 2008

OFFICE OF
MANAGING DIRECTOR

Ms. Dawn M. Sciarrino
Sciarrino & Associates, PLLC
Broadcast Legal Services
5425 Tree Line Drive
Centreville, Virginia 20120-1676

Re: On Top Communications of Mississippi, LLC
Request for Waiver and Deferment
of FY 2006 Regulatory Fees
Fee Control No. RROG-08-00010490

Dear Ms. Sciarrino:

This responds to your Letter filed on July 22, 2008, on behalf of On Top Communications of Mississippi, LLC, Debtor-in-Possession and licensee of broadcast station WRJH (FM) and auxiliary station WME694 (Licensee), Brandon, Mississippi, requesting waiver and deferment of the regulatory fees for fiscal year (FY) 2006 on account of financial hardship.¹ Our records indicate that the Licensee has not paid the regulatory fees and late penalties, which total \$1,462.50. As we explain below, your request is granted.

In your Letter, you state that on July 29, 2006, the Licensee and its parent company, On Top Communications, LLC, filed voluntary petitions for bankruptcy in the U.S. Bankruptcy Court, District of Maryland, seeking to reorganize under Chapter 11 of the U.S. Bankruptcy Code.² You state that, as such, the Licensee is currently operating as a debtor-in-possession and under the control of a court-appointed Chief Restructuring Officer.³ On September 2, 2008, you supplemented your waiver request with documentation showing that the Licensee was in bankruptcy on September 19, 2006, the FY 2006 regulatory fee deadline.⁴

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership at the time the fees are due is sufficient to establish financial hardship. *See Implementation of Section 9 of the*

¹ Letter from Dawn M. Sciarrino to Office of the Managing Director, FCC (filed July 22, 2008) (Letter).

² Letter at 1.

³ *Id.* at 2.

⁴ *See, e.g.*, Letter from Dawn M. Sciarrino to Office of the Secretary, FCC (dated September 2, 2008), Attachment 3 at 60.

Ms. Dawn M. Sciarrino

2.

Communications Act, 10 FCC Rcd 12759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). Based on the documents you submitted concerning the Licensee's bankruptcy status, we will grant a waiver of the regulatory fees for FY 2006.

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', with a large, stylized flourish extending to the right.

Mark Stephens
Chief Financial Officer

RR0G-08-00010490

SCIAKINO & ASSOCIATES, PLLC
BROADCAST LEGAL SERVICES

Dawn M. Sciacino
dawn@sciakino.com
www.sciakino.com

August 31, 2006

FILED/ACCEPTED
JUL 22 2008

Federal Communications Commission
Office of the Secretary *KLUCW*

VIA FEDERAL EXPRESS - STANDARD

Federal Communications Commission
Office of the Managing Director
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554

Attn: Regulatory Fee Waiver/Reduction Request

Re: REQUEST FOR WAIVER AND DEFERRAL OF FY 2006
REGULATORY FEES
On Top Communications of Mississippi, LLC, Debtor In Possession
EBN: 0008-0029-17
WRMB (FM), Brandon, MS (FIN: 73959)
37412694

Dear Sir/Madam:

On Top Communications of Mississippi, LLC, Debtor In Possession (the Licensee), the licensee of the above-referenced stations, by its counsel and pursuant to Section 1.1166 of the Commission's rules, hereby respectfully requests a waiver of Section 1.1153 with regard to the FY 2006 annual regulatory fees owed by the Licensee. In addition, in lieu of submitting the FY 2006 regulatory fees and pursuant to Section 1.1166(e) of the Commission's rules, the Licensee requests a deferral of the submission of the FY 2006 regulatory fees. A total of \$1,160.00 in FY 2006 regulatory fees is owed by the Licensee.

On July 29, 2006, the Licensee and its parent company, On Top Communications, LLC, filed voluntary petitions for bankruptcy in the US Bankruptcy Court, District of Maryland, seeking to reorganize under Chapter 11 of the US Bankruptcy Code. See attached Notice of Chapter 11 Bankruptcy Case for On Top Communications of Georgia, LLC (Case No. 05-2042), Notice of Chapter 11 Bankruptcy Case for On Top Communications, LLC (Case No. 05-2047). As such, the Licensee is currently operating as a debtor in possession and under the control of a court appointed Chief Restructuring Officer.

See File No. BAYL-20060103A-CG and BTCH-20060512AA-V. The Commission approved the assignment of license of WRMB (FM) on July 26, 2006. That assignment has not yet been consummated. See File No. BAYL-20060103A-DR.

5425 TREE LINE DR., CENTREVILLE, VA 20120-2167
703.830.1679 (phone) 703.991.7120 (fax)

In light of the Chapter 11 bankruptcy proceeding, the Licensee requests a deferral and waiver of the submission of the FY 2006 regulatory fees based on financial hardship. The Commission's grant of such a waiver is in the public interest and consistent with the Commission's precedent. Section 1.1166 provides for a waiver of regulatory fees "where good cause is shown and where waiver, reduction or deferral of the fees would promote the public interest." 47 C.F.R. §1.1166. It has been long established by the Commission that reorganization under Chapter 11 bankruptcy is sufficient in and of itself to demonstrate financial hardship. See *Implementation of Section 9 of the Communications Act*, 10 FCC Red 12,759, 12761-62 (1995); Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, FCC, to Stuart W. Nolan, Jr. (dated May 25, 2006) (granting waiver of FY 2003 and FY 2004 regulatory fees for licensee undergoing Chapter 11 bankruptcy, when the request for waiver was filed on December 7, 2004, January 5, 2005, and February 23, 2005 and the licensee filed for Chapter 11 bankruptcy on November 3, 2000).

As evidenced by the Chapter 11 bankruptcy proceeding, the Licensee is in financial distress. Further, as established by Commission precedent, it is in the public interest for the FCC to grant a deferral and waiver of the FY 2006 regulatory fees for the above referenced stations so that the Licensee may conserve its financial resources and use them to continue to operate WVAH-TV. Accordingly, the Licensee hereby respectfully requests that the Commission defer the submission of the FY 2006 regulatory fees, as well as grant a waiver of these fees based on financial hardship.

Should any questions arise concerning this matter, please contact the undersigned counsel.

Respectfully submitted,


Daniel M. Sciarrino

cc: [unclear]

SCIARRINO & ASSOCIATES, PLLC

5425 TREE LINE DR, CENTREVILLE, VA 20120-1676
703.830.1679 (PHONE) 703.891.7120 (FAX)

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

OCT 23 2008

FILE

OFFICE OF
MANAGING DIRECTOR

Ms. Dawn M. Sciarrino
Sciarrino & Associates, PLLC
Broadcast Legal Services
5425 Tree Line Drive
Centreville, Virginia 20120-1676

Re: On Top Communications of Virginia, LLC
Request for Waiver and Deferment
of FY 2006 Regulatory Fee
Fee Control No. RROG-08-00010491

Dear Ms. Sciarrino:

This responds to your Letter filed on July 22, 2008, on behalf of On Top Communications of Virginia, LLC, Debtor-in-Possession and licensee of broadcast station WWHV(FM) (Licensee), Virginia Beach, Virginia, requesting waiver and deferment of the regulatory fee for fiscal year (FY) 2006 on account of financial hardship.¹ Our records indicate that no fee payment has been made for FY 2006. As we explain below, your request is granted.

In your Letter, you state that on July 29, 2006, the Licensee and its parent company, On Top Communications, LLC, filed voluntary petitions for bankruptcy in the U.S. Bankruptcy Court, District of Maryland, seeking to reorganize under Chapter 11 of the U.S. Bankruptcy Code.² You state that, as such, the Licensee is currently operating as a debtor-in-possession and under the control of a court-appointed Chief Restructuring Officer.³ On September 2, 2008, you supplemented your waiver request with documentation showing that the Licensee was in bankruptcy on September 19, 2006, the FY 2006 regulatory fee deadline.⁴

The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership at the time the fees are due is sufficient to establish financial hardship. *See Implementation of Section 9 of the*

¹ Letter from Dawn M. Sciarrino to Office of the Managing Director, FCC (filed July 22, 2008) (Letter).

² Letter at 1.

³ *Id.* at 2.

⁴ *See, e.g.,* Letter from Dawn M. Sciarrino to Office of the Secretary, FCC (dated September 2, 2008), Attachment 3 at 60.

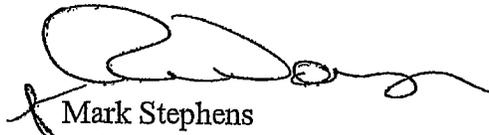
Dawn M. Sciarrino

2.

Communications Act, 10 FCC Rcd 12759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). Based on the documents you submitted concerning the Licensee's bankruptcy status, we will grant a waiver of the regulatory fee for FY 2006.

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

SCARRINO & ASSOCIATES, PLLC
RECEIVED BROADCAST LEGAL SERVICES

RR03-08-0001049

Dan M. Scarrino
dscarrino@scarrinolaw.com
www.ScarrinoLaw.com

JUL 23 2008
Financial Operations August 31, 2006
Center

VIA FEDERAL EXPRESS - STANDARD

FILED/ACCEPTED

Federal Communications Commission
Office of the Managing Director
445 12th Street, S.W., Room 1-A625
Washington, D.C. 20554

JUL 22 2008

Federal Communications Commission
Office of the Secretary *DW*

Attor: Regulatory Fee Waiver/Reduction Request

Re: REQUEST FOR WAIVER AND DEFERAL OF FY 2006
REGULATORY FEES
On Top Communications of Virginia, LLC, Debtor-In-Possession
FIRN: 0008-0029-41
WWIV(FM), Virginia Beach, VA (FIRN: 14327)

06 Reg Fee

Dear Sir/Madam:

On Top Communications of Virginia, LLC, Debtor-In-Possession ("Licensee"), the licensee of the above-referenced stations, by its counsel and pursuant to Section 1.1166 of the Commission's rules, hereby respectfully requests a waiver of Section 1.1153 with regard to the FY 2006 annual regulatory fees owed by the Licensee. In addition, in lieu of submitting the FY 2006 regulatory fees and pursuant to Section 1.1166(e) of the Commission's rules, the Licensee requests a deferral of the submission of the FY 2006 regulatory fees. A total of \$3,875.00 in FY 2006 regulatory fees is owed by the Licensee.

On July 29, 2006, the Licensee and its parent company, On Top Communications, LLC, filed voluntary petitions for bankruptcy in the US Bankruptcy Court, District of Maryland, seeking to reorganize under Chapter 11 of the US Bankruptcy Code. See attached Notice of Chapter 11 Bankruptcy Case for On Top Communications of Georgia, LLC (Case No. 05-27042); Notice of Chapter 11 Bankruptcy Case for On Top Communications, LLC (Case No. 05-27057). As such, the Licensee is currently operating as a debtor-in-possession and under the control of a court appointed Chief Restructuring Officer.

SCARRINO & ASSOCIATES, PLLC
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WWW.SCARRINOLAW.COM

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15251

August 31, 2006

Page 2

In light of the Chapter 11 bankruptcy proceeding, the Licensee requests a deferral and waiver of the submission of the FY 2006 regulatory fees based on financial hardship. The Commission's grant of such a waiver is in the public interest and consistent with the Commission's precedent. Section 1.1166 provides for a waiver of regulatory fees "where good cause is shown and where waiver, reduction or deferral of the fees would promote the public interest." 47 C.F.R. §1.1166. It has been long established by the Commission that reorganization under Chapter 11 bankruptcy is sufficient in and of itself to demonstrate financial hardship. See *Implementation of Section 9 of the communications Act*, 10 FCC Red 12,759, 12761-62 (1995); Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, FCC, to Stuart W. Nolan, Jr. (dated May 25, 2006) (granting waiver of FY 2003 and FY 2004 regulatory fees for licensee undergoing Chapter 11 bankruptcy when the request for waiver was filed on December 7, 2004, January 5, 2006, and February 23, 2006 and the licensee filed for Chapter 11 bankruptcy on November 3, 2000).

As evidenced by the Chapter 11 bankruptcy proceeding, the Licensee is in financial distress. Further, as established by Commission precedent, it is in the public interest for the FCC to grant a deferral and waiver of the FY 2006 regulatory fees for the above referenced stations so that the Licensee may conserve its financial resources and use them to continue to operate WWHY(FM). Accordingly, the Licensee hereby respectfully requests that the Commission defer the submission of the FY 2006 regulatory fees, as well as grant a waiver of these fees based on financial hardship.

Should any questions arise concerning this matter, please contact the undersigned counsel.

Respectfully submitted,


Dawn M. Sciarrino

Encls.

SCIARRINO & ASSOCIATES, PLLC

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FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 5 2008

OFFICE OF
MANAGING DIRECTOR

Ms. Sarah M. Fryar
722 South Germantown Road
Chattanooga, TN 37412-1709

Re: Station WJOC(AM)
WJOC AM Radio
FYs 2003 through 2007 Regulatory Fees
Fee Control No. RROG-08-00010648

Dear Ms. Fryar:

This letter responds to your request dated September 3, 2008 (*Request*), for a waiver of the fiscal years (FYs) 2003, 2004, 2005, 2006, and 2007 regulatory fees associated with Station WJOC(AM) (the Station). Our records reflect that you have not paid the regulatory fees or the late payment penalties for the Station for FYs 2003 through 2007.¹ For the reasons stated herein, we deny your request.

In your request, you recite that you are "a female, 64 years of age that is struggling to keep everything going."² You state that you "have had health problems (surgery – cancer)."³ You say that your "son and his wife help some with the radio . . . [and that there are n]o other workers[.]"⁴ You submit a Schedule C (Form 1040), Profit or Loss from Business (Sole Proprietorship), for the Station for FYs 2005, 2006, and 2007 (*2005 Schedule C, 2006 Schedule C, and 2007 Schedule C*).

¹ The regulatory fees for FYs 2003, 2004, 2005, 2006, and 2007 are \$975.00, \$1,075.00, \$1,045.00, \$1,225.00, and \$1,200.00, respectively, while the late payment penalties for those years are \$243.75, \$262.50, \$281.25, \$300.00, and \$300.00, respectively. Because the Commission referred the debt owed by the Station for FYs 2003, 2004, and 2005 to the Department of Treasury for collection, the Station owes an additional \$25.00 administrative processing charge for each of those three fiscal years. *See Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, 18 FCC Rcd 15985, 15995 (2003); *see generally* 47 C.F.R. §1.1164. The total due for FYs 2003 through 2007 is \$6,982.50.

² *Request* at 1.

³ *Id.*

⁴ *Id.*

Your request for waiver of the FYs 2003, 2004, and 2005 regulatory fees was not filed with the Commission until long after the close of the fiscal years in question and, therefore, does not provide a basis for relief or otherwise warrant any further consideration. Accordingly, we deny your request for a waiver of the regulatory fees for FYs 2003 through 2005.⁵

With respect to your request for waiver of the FYs 2006 and 2007 regulatory fees, 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."⁶ 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 and amortization are considered funds available to pay the fees.

The Station's 2006 *Schedule C* indicates that the Station suffered a very small financial loss in the 2006 calendar year which was fully offset by a depreciation deduction which the Commission considers as funds available to pay the regulatory fee. In other words, the loss resulted from the depreciation deduction. Thus, the Station had money from the depreciation deduction from which it could pay the FY 2006 regulatory fee. For purposes of the FY 2007 regulatory fee, the Station's 2007 *Schedule C* indicates that the Station experienced a profit for the 2007 calendar year and therefore had funds available to pay the regulatory fee for FY 2007. We therefore deny your request for waiver of the FYs 2006 and 2007 regulatory fees on the grounds of financial hardship. We therefore deny your request for a waiver of the regulatory fees for FYs 2006 and 2007. In summary, we deny your request for waiver of the regulatory fees for FYs 2003 through 2007.

⁵ See Letter from Mark A. Reger, Chief Financial Officer (CFO), Office of Managing Director (OMD), FCC, to Rodney L. Joyce, counsel for Network Access Solutions Corporation (Aug. 11, 2004) (denying untimely request for regulatory fee relief for FYs 2000 and 2001 because the request was filed on April 2, 2004, "long after the fiscal years in question"); Letter from Mark A. Reger, CFO, OMD, FCC, to C. Michael Curry, Vice President, Hispanic Keys Broadcasting Corp (dated Aug. 27, 2002) (denying untimely request for regulatory fee relief for FYs 1997, 1998, and 1999 because the request was filed on March 14, 2002, "long after the fiscal years in question"). We point out that the untimeliness in the instant matter is comparable to that in these cited cases.

⁶ See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995).

The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. 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. Your request does not indicate or substantiate that the Station met this obligation for FYs 2003 through 2007. Payment of the penalties, as well as the regulatory fees for FYs 2003 through 2007, along with the administrative processing charges for FYs 2003 through 2005 (*see supra* note 1); is now due. The regulatory fees and the associated late payment penalties and administrative processing charges, totaling \$6,982.50, should be filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter.

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

Enclosure

RROG-08-00010648

~~RROG-08-00010648~~

Sept 3-2008

Attention Manique,
202-418-7869Regarding past due fees (regulatory).

I am a female, 64 years of age that is struggling to keep everything going. I have had health problems (surgery-cancer.) My son & his wife help some with the radio. No other workers - Christian talk format, only 1000 watt. If you can in any way assist in helping with this hardship situation, please contact me.

Thanks,
Sarah M. Inyan
423-760-8941

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

NOV 5 2008

OFFICE OF
MANAGING DIRECTOR

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

Re: W272AY, Park Falls, Wisconsin
Request for Waiver of FY 2005-2007
Regulatory Fees
Fee Control No. RROG-08-00010644

Dear Mr. Reinhard:

This is in response to your Letter dated August 22, 2008, requesting waiver of the regulatory fees for fiscal years (FYs) 2005-2007 for translator station W272AY, which is owned by TEA-VISZ of Park Falls, Wisconsin.¹ By letter dated September 22, 2008, your previous request for waiver of the FY 2006 regulatory fee and late penalty was granted.² Here we consider your request for FYs 2005 and 2007. Our records show that the FY 2005 regulatory fee in the amount of \$395 has been paid. As explained below, your request is granted. Thus, we will refund to you \$395.00.

In your Letter, you state that W272AY, “[a]s a translator, [received] zero inflows or receipts and our outflows or expenses were \$1,436.94, \$1,208.58 and [\$591.03] [for 2005, 2006, and 2007] respectively.”³ In support of this statement, you attach to your Letter documents titled “Register Report” that show W272AY’s expenses in these identified amounts for, among other things, utilities and taxes for 2005-2007.⁴ You also state that W272AY “incurred several thousand dollars in start up costs and a \$2,000.00 re-wiring fee in 2005 due to a fire next door” and recently replaced the translator receiver due to vandalism.⁵ You further state that with zero receipts, you “are strapped to keep operating” and that you operate W272AY “as a public service” to Park Falls because the city receives only one other music station.⁶

¹ Letter from Scott A. Reinhard, TEA-VISZ, to Federal Communications Commission (August 22, 2008) (Letter).

² Letter from Mark Stephens, Chief Financial Officer, FCC to Scott A. Reinhard, TEA-VISZ (September 22, 2008).

³ *Id.* Although your Letter identifies \$1,436.94 as the amount of outflows or expenses for FY 2007 (which is identical to the figure it identifies for FY 2005), based on the itemized statement you attach in support, the actual figure, and the one your Letter should have listed, for FY 2007 is \$591.03.

⁴ *Id.* at Attachment.

⁵ *Id.*

⁶ *Id.*

In granting your previous request on behalf of W272AY for waiver of the FY 2006 regulatory fee and late penalty, we advised that "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."⁷ Nothing in your recent correspondence indicates that you no longer qualify for the exemption you were granted. Accordingly, W272AY does not owe a regulatory fee for FY 2007.⁸

As to FY 2005, although your Letter indicates that W272AY is a translator station, unlike your previous request for FY 2006 that we recently granted, it does not purport to show that the station met the Commission's waiver criteria for translator stations for FY 2005. Based on the information you submitted, however, we will consider your request pursuant to our waiver criteria for financial hardship.

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." See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759 (1995). Regulatees can establish financial hardship by submitting:

information such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information. 10 FCC Rcd at 12762.

In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, to determine 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, as well as deductions for depreciation and amortization and similar items that do not affect cash flow, are considered funds available to pay the fees.

Our review of the papers you submitted indicates that W272AY experienced a financial deficit in 2005 without regard to any deduction for depreciation and that no payments were made to any principals of TEA-VISZ. Therefore, your request for a waiver of the regulatory fee for FY 2005 is granted.

⁷ *Id.*

⁸ You apparently received the Commission's fee assessment notification (dated August 18, 2008) and sent your most recent waiver request (dated August 22, 2008) well before receiving the Commission's letter (dated September 22, 2008) granting your request for the FY 2006 fee waiver. W272AY will also be exempt from regulatory fees for FY 2008 and subsequent years, so long as the station continues to meet the Commission's criteria for exemption from regulatory fees for translator stations.

Mr. Scott A. Reinhard

A check made payable to the maker of the original check and drawn in the amount of \$395.00 will be sent to you at the earliest practicable time.

As we previously advised, 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 its fee exemption as a translator station, 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