

Mr. Richard Aguinaldo

3.

Payment of M5's \$1,927.25 late payment penalty is now due. The payment should be submitted, together with a Form 159 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please call the Revenue & 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 trailing flourish.

 Mark Stephens
Chief Financial Officer

Enclosure

Stephen French

From: ARINQUIRIES
Sent: Thursday, October 30, 2008 4:51 PM
To: Evelyn Jordan
Subject: FW: 2008 Regulatory Fee

Stephen M. French, PMP
Protiviti Government Services
OMD-Financial Operations
Office: 2-A629
Direct Line: 202-418-1878
Fax: 202-418-7869

From: Richard Aguinaldo [mailto:raguinaldo@m5net.com]
Sent: Thursday, October 30, 2008 3:50 PM
To: ARINQUIRIES
Cc: phil; Gary Deutsch; Sithu Soe
Subject: 2008 Regulatory Fee

Applicant FRN #0015325558
Bill Number: O8RE006833
Company: M5 Networks, Inc.

To Whom it May Concern:

I was directed by the support desk at the FCC to write this email expressing my concerns about the bill we received. Around September 23, 2008 (postmarked Sept 19), M5 received a bill for regulatory fees amounting to \$11,796.00. It is noted on the bill that this amount was due on Sept 25th, otherwise, we would be assessed an additional 25% late fee.

M5 has never been billed this so we did not know what this was for. We referred this bill to our attorney's. They informed us that since M5 is classified as an "Interconnected VOIP provider" we are subject to this charge based on our filing of 499A which was implemented this year. This took a couple of weeks to find out.

Once our attorney's relayed this information, M5 immediately did the calculation as per FCC Form 159-W and found that the amount which needs to be remitted should be \$7,708 rather than \$11,796. Additionally, I was informed by support at the FCC not to remit payment until the late fees are determined. I am requesting an abatement of these late fees given that we received the invoice 2 days prior to when it was due meaning even if we sent a check on the day we received the invoice, it would have still been late and we would have been charged the 25% late fee. As it turns out, we did not understand what this invoice was and we needed to seek professional advice to determine if this was valid.

Please consider this request as we would like to pay this so as to not incur anymore fees.

Thanks

Richard Aguinaldo
M5 Networks
245 West 17th Street, 9th Floor
New York, NY 10011
646-230-5009 - desk
1-877-88-GETM5 - toll free
917-464-8496 - fax

11/10/2008

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

FEB 12 2009

✓ OFFICE OF
MANAGING DIRECTOR

J. Dominic Monahan, Esq.
Luvaas Cobb
777 High Street, Suite 300
Eugene, OR 97401-2787

Re: Peak Communications, Inc.
KYKV(FM), Selah, Washington, formerly,
KQBE(FM), Ellensburg, Washington
FY 2008 Regulatory Fee
Fee Control No. RROG-09-00010822

Dear Mr. Monahan:

This letter responds to your request dated September 17, 2008 (*Request*), submitted on behalf of Peak Communications, Inc. (Peak), licensee of Station KYKV(FM), Selah, Washington, (formerly, Station KQBE(FM), Ellensburg, Washington) (the station), for a waiver of the Fiscal Year (FY) 2008 regulatory fee. Our records reflect that Peak has not paid the \$1,375.00 regulatory fee for the station. For the reasons stated herein, we find that Peak is not required to pay the regulatory fee.

You state that Peak sold KYKV(FM) to a non-profit entity, Educational Media Foundation (EMF), on June 13, 2008,¹ and our records reflect that the station has been licensed to EMF since June 13, 2008. Because Peak did not hold the license for the station on the due date for submitting FY 2008 regulatory fees (*i.e.*, September 25, 2008), Peak is not required to pay a FY 2008 regulatory fee for the station.² We therefore cancel the \$1,375.00 bill sent to Peak for unpaid FY 2008 regulatory fees and grant your request for waiver.

¹ *Request* at 1.

² *See Assessment and Collection of Regulatory Fees for Fiscal Year 2008, Report and Order and Further Notice of Proposed Rulemaking*, 2008 WL 3318967, para. 76 (Aug. 8, 2008) (“[r]egulatory fees must be paid for all broadcast facility licenses granted on or before October 1, 2007. In instances where a permit or license is transferred or assigned after October 1, 2007, responsibility for payment rests with the holder of the permit or license as of the fee due date.”).

If you have any questions concerning this matter, please contact the Revenue & 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'.

Mark Stephens
Chief Financial Officer

RR06-09-00010822



777 High Street, Suite 300
Eugene, OR 97401-2787

Mailing: P.O. Box 10747
Eugene, OR 97440-2747

Phone: 541-484-9292 / Fax: 541-343-1206
E-mail: dmonahan@luvaascobb.com

J. Dominic Monahan
Attorney at Law

September 17, 2008

Federal Communications Commission
Attention: Monique Goodman
Financial Operations, Room 1-A720
Washington D.C. 20554

VIA FACSIMILE TO (202) 418-7869

RE: Peak Communications Inc. Station KQBE - Ellensburg, Washington
2008 Regulatory Fee Notification ID - 13744

Dear Sir or Madam:

This letter in response to a courtesy notification letter dated August 18, 2008, which was forwarded to my office regarding the 2008 Annual Regulatory Fee assessed against Station KQBE(FM), Ellensburg, Washington [Facility ID 52035] (*see* attached). This letter notes that Peak Communications, Inc. ("Peak Communications") owes \$1,375.00 for the annual regulatory fee for the year 2008. For reasons set forth below, Peak Communications is unable to pay this fee and asks that this fee be waived.

Peak Communications acquired station KQBE (now known as KYKV) in 1989. The operational history of the station has shown continued and severe financial losses throughout the period of ownership, including a bankruptcy. Peak Communications undertook a three-year effort to find a buyer for the station, and ultimately chose to sell the facility to a non-profit entity, Educational Media Foundation. Although the station sold on terms for \$825,000.00, the station had accumulated over \$1.1 million dollars in debt. Thus, at closing on June 13, 2008, all of the proceeds of the station were used to pay off its outstanding obligations, including the assignment of all of the monies due from the new owner under a promissory note. Attached is copy of the executed assignment of proceeds dated June 13, 2008, demonstrating that Peak Communications assigned all the proceeds from the sale as of the closing date.

Simply stated, neither Peak Communications nor its owner realized any proceeds from the sale of the station. Thus, there is absolutely no money available, nor future revenues, to pay the 2008 annual regulatory fee. The company is no longer operating and will be administratively dissolved in November, 2008.

SEP 17 2008 16:30 LUVHRS CUBB 341 3431208 P.03

September 17, 2008

Page 2

Should you require additional information please contact the undersigned.

Respectfully submitted,

PEAK COMMUNICATIONS, INC.


J. Dominic Monahan, Its Counsel

JDM/nlk

Enclosures

cc: Colleen Kelleher

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

FEB 24 2009

OFFICE OF
MANAGING DIRECTOR

Mr. Curt Pavlicek
Pinnacle Aviation
14805 North Airport Drive, Suite 217
Scottsdale, AZ 85260

Re: Pinnacle Aviation
Call Sign WQEH699
Request for Waiver of Fees
Fee Control No. 0601278994883743

Dear Mr. Pavlicek:

This letter responds to your request dated March 17, 2006 (*Request*), filed on behalf of Pinnacle Aviation (Pinnacle) for a "full refund" of the \$605.00 application fees and the \$550.00 regulatory fees associated with a fleet license for eleven private aircraft for Call Sign WQEH699 for a ten-year term.¹ Our records reflect that you paid the application and regulatory fees, totaling \$1,155.00. Our records also reflect that Pinnacle has already received a refund of \$495.00. For the reasons set forth below, we deny your request for a refund of the remaining balance of \$660.00.

You state that the "application/call sign [for WQEH699] was filed in error as a fleet license of 11."² You say "[t]his is not correct and needs to be cancelled . . . [and that w]e have since re-applied . . . for a new call sign with the correct information and have re-paid the \$105 fees."³

¹ The regulatory fee at issue here is considered a "small fee" and, absent a waiver or exemption, is collected in advance for the entire ten-year license term and remitted when the license application is filed. See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, paras. 36 and 38 (1994), *on recon.*, 10 FCC Rcd 12759 (1995); 47 C.F.R. §1.1152, Note 1; see also 47 C.F.R. §1.1152(4) (Shared Use Services: Aviation Aircraft) (2006) (\$5.00 regulatory fee) and 47 C.F.R. §1.1102(4) (Aircraft) (2006) (\$55.00 application fee). Pinnacle paid regulatory fees of \$5.00 for each of the eleven stations for a ten-year term for a total of \$550.00. Pinnacle also paid a \$55.00 application fee for each of the eleven aircraft for a total of \$605.00.

² *Request* at 1.

³ *Id.*

Our records reflect that on January 27, 2006, you filed an application for a fleet license for eleven private aircraft for a ten-year term under Part 87 of the Commission's rules, 47 C.F.R. Part 87.⁴ The Commission granted the application for Call Sign WQEH699 on January 28, 2006, for a ten-year term to expire on January 28, 2016. On June 20, 2006, you filed an application to cancel the license for Call Sign WQEH699, which the Commission granted effective June 20, 2006.⁵ On April 27, 2006, the Office of Managing Director (OMD) refunded Pinnacle \$495.00 in connection with the grant of the *Fleet License Application*.⁶

Filing fees accompanying requests for the Commission's regulatory services listed in Sections 1.1102 through 1.1107 of the Commission's rules, including the \$605.00 in application fees Pinnacle submitted in connection with the *Fleet License Application*, are only refundable in the limited circumstances set forth in Section 1.1113 of the rules.⁷ None of those circumstances are applicable here. Pinnacle's decision to cancel the license for Call Sign WQEH699 was entirely voluntary and provides no basis for a grant of your request. Your claim that you erroneously filed the *Fleet License Application* does

⁴ See *Quick-Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted and Commercial Operator, and General Mobile Radio Services, FCC 605, Main Form*, Wells Fargo Bank Northwest, N.A., as Owner Trustee (signed by Curt Pavlicek) (Jan. 27, 2006) (*Fleet License Application*).

⁵ See Notice of License Cancellation from FCC, Wireless Telecommunications Bureau, to Curt Pavlicek (June 21, 2006).

⁶ On March 15, 2006, you filed an application for an individual private aviation license for a ten-year term under Part 87 of the Commission's rules, 47 C.F.R. Part 87, along with the \$55.00 application fee and the \$50.00 regulatory fee. See *Quick-Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted and Commercial Operator, and General Mobile Radio Services, FCC 605, Main Form*, Wells Fargo Bank Northwest, N.A., as Owner Trustee (signed by Curt Pavlicek) (Mar. 15, 2006). The Commission granted the application on March 16, 2006, for a ten-year term to expire on March 16, 2006.

⁷ The Commission has discretion to waive filing fees upon a showing of good cause and a finding that the public interest will be served thereby. See 47 U.S.C. §158(d)(2); 47 C.F.R. §1.1117(a); *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 5 FCC Rcd 3558, 3572-73 (1990). We construe our waiver authority under section 8 of the Communications Act, 47 U.S.C. §158(d)(2), narrowly and will grant waivers on a case-by-case basis to specific applicants upon a showing of "extraordinary and compelling circumstances." See *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985*, 2 FCC Rcd 947, 958 (1987); *Sirius Satellite Radio, Inc.*, 18 FCC Rcd 12551 (2003).

not constitute a "compelling circumstance" warranting a waiver of the application fee rules. We therefore deny your request for a refund of the \$605.00 application fees.

With respect to the regulatory fees filed in connection with the *Fleet License Application*, the Commission may waive, reduce, or defer regulatory fees only upon a showing of good cause and a finding that the public interest will be served thereby.⁸ We grant Pinnacle a waiver of the regulatory fees for the last nine unexpired full years of the ten-year license for Call Sign WQEH699 (*i.e.*, \$5.00 times nine years, times eleven aircraft equals \$495.00), but we find that Pinnacle is not entitled to a waiver of the regulatory fees for the first year of the license (*i.e.*, \$5.00 times eleven aircraft equals \$55.00) because Pinnacle held the license from January 28, 2006, until March 16, 2006.⁹ Your assertion that you filed the *Fleet License Application* "in error" is not a sufficiently compelling reason to grant a waiver of the regulatory fee rules. We therefore deny your request for a refund with respect to the first year of the license.

In summary, we grant Pinnacle a waiver of the regulatory fees to the extent of \$495.00. However, because OMD has already refunded Pinnacle \$495.00 in connection with the grant of the *Fleet License Application*, we find that no additional refund is warranted. 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

⁸ See 47 U.S.C. §159(d); 47 C.F.R. §1.1166; see also *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 (1994), *on recon.*, *Memorandum Opinion and Order*, 10 FCC Rcd 12759, 12761 (1995) (regulatory fees may be waived, deferred, or reduced on a case-by-case basis in extraordinary and compelling circumstances upon a clear showing that a waiver would override the public interest in reimbursing the Commission for its regulatory costs).

⁹ See also 47 C.F.R. §1.1160(a)(2) ("[i]n the case of advance payment of regulatory fees, subject to section 1.1152, a refund will be issued based on *unexpired full years*: . . . (ii) When a licensee in the wireless radio service surrenders the license or other authorization subject to a fee payment to the Commission[.]" (Emphasis provided.)).

PINNACLE AVIATION 

14605 North Airport Drive, Suite 217
Scottsdale, Arizona 85260
Office 480.998.8989 Fax 480.998.7993

9451

11118

0 60127 8994883743

March 17, 2006

FCC
Fee Correspondence/REFUND
1270 Fairfield Road
Gettysburg, PA 17325

Re: WQEH699 granted on 1.28.06

Attn: Refunds Department

The above application/call sign was filed in error as a fleet license of 11. This is not correct and needs to be cancelled.

We have since re-applied on March 15, 2006, for a new call sign with the correct information and have re-paid the \$105 fees.

I would like to request a full refund of \$1,155 for the incorrect filing. I have attached the payment confirmation sheet for your convenience.

Please mail the refund check to the following:

Mr. Curt Pavlicek
14605 N. Airport Drive, Suite 217
Scottsdale, AZ 85260

Please feel free to contact me at 480.998.8989 if you have any questions.

Thanks for you consideration and time in this matter.

Regards,



Curt Pavlicek

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

FEB 12 2009

OFFICE OF
MANAGING DIRECTOR

Jeffrey L. Timmons, P.C.
1400 Buford Highway, Suite G-5
Sugar Hill, Georgia 30518-8727

Re: Station KPIF(TV), Pocatello, Idaho, and
KBEO(TV), Jackson, Wyoming
Pocatello Channel 15, L.L.C.
Request for Waiver of FY 2008 Regulatory Fees
Fee Control No. 0809259084888595

Dear Mr. Timmons:

This is in response to your request filed October 23, 2008 (*Request*), on behalf of Pocatello Channel 15, L.L.C. (Pocatello), for a waiver of the fiscal year (FY) 2008 regulatory fees for Station KPIF(TV), Pocatello, Idaho, and Station KBEO(TV), Jackson, Wyoming, based upon financial hardship. Our records reflect that Pocatello has paid the \$1,800.00 FY 2008 regulatory fee for Station KPIF(TV) and the \$5,600.00 FY 2008 regulatory fee for Station KBEO(TV), for a total of \$7,400.00. For the reasons stated herein, we will waive the fees.

You state that KBEO does not serve the primary communities in its Designated Market Area (DMA), and is predicted to serve only 11,371 people and less than 4,000 households within its predicted Grade B contour, which is less than four percent of the 108,000 household in its DMA.¹ You maintain that KPIF is a new station operating at a net loss with very low revenue and that both stations are new and have not yet been to generate any significant income from advertising.² You aver that Pocatello has been able to operate the stations only by means of loans from Pocatello's "principal and 100 percent owner, Mrs. Myoung Hwa Bae (or other entities 100 percent owned by Mrs. Bae[.]"³ You state that "[n]o net payments (including no payroll payments) have been made by . . . [Pocatello or the stations] to Mrs. Bae, or to any entity in which Mrs. Bae has any interest, or to any other principal or owner of . . . [Pocatello or the stations], in 2007 or since the stations were constructed and have been operating."⁴ In support of your request, you submit a copy of Pocatello's unaudited "Pocatello Channel 15, L.L.C. Profit & Loss" for the 2007 calendar year (*Financial Statement*), which you state is the most

¹ *Request* at 1-2.

² *Id.*

³ *Id.*

⁴ *Id.*

recent full year for which financial statements are available for Pocatello.⁵ In separate correspondence, you say that during 2007, the highest paid employees at Station KPIF(TV) were the station manager (who received \$36,923.16) and two employees, who received \$13,676.85 and \$9,445.37.⁶ You say that during 2007, the highest paid employees at Station KBEO were two employees, each of whom received \$12,480.00.⁷

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."⁸ 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.

Pocatello's *Financial Statement* indicates that the company suffered a financial loss in the 2007 calendar year of \$210,431.95, which was only partially offset by depreciation and compensation paid to one manager. Given that Pocatello suffered a financial loss in the 2007 calendar year, we grant your request for a waiver of the regulatory fees for FY 2008. Accordingly, we grant Pocatello a refund of the \$7,400.00 that the company paid in connection with the FY 2008 regulatory fees for Station KPIF(TV) and Station KBEO(TV).

A check made payable to the maker of the original check and drawn in the amount of \$7,400.00, will be sent to you at the earliest practicable time. 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

⁵ *Id.*

⁶ Email from Jeff Timmons to Joanne Wall (Jan. 16, 2009).

⁷ *Id.*

⁸ *See Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995).

0809259084888595

11063

Received & Inspected

OCT 23 2008

FCC Mail Room

JEFFREY L. TIMMONS, P.C.
1400 Buford Highway, Suite G-5
Sugar Hill, Georgia 30518-8727
Telephone: (678) 482-7509
Facsimile: (678) 482-7599
E-mail: jeff@timmonspc.com

October 22, 2008

VIA FEDERAL EXPRESS

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

RE: Pocatello Channel 15, L.L.C.
Television Station KPIF(TV), Pocatello, Idaho and
Television Station KBEO(TV), Jackson, Wyoming

Dear FCC:

Pocatello Channel 15, L.L.C. ("Pocatello-15"), licensee of full power commercial television stations KPIF(TV), Pocatello, Idaho (Facility ID No. 86205, "KPIF") and KBEO(TV), Jackson, Wyoming (Facility ID No. 35103, "KBEO", and together with KCFG, the "Stations"), by its counsel, and pursuant to the Commission's Regulatory Fees Fact Sheet, Waivers, Reductions and Deferrals of Regulatory Fees (dated August 2008, the "Waiver Fact Sheet"), respectfully requests the ~~waiver and refund of the annual regulatory fees paid by Pocatello-15 for KPIF and KBEO for fiscal year 2008~~ (in the amounts of \$1,800.00 for KPIF and \$5,600.00 for KBEO, or \$7,400.00 in total). The Waiver Fact Sheet states that the Commission will consider the waiver or reduction of annual regulatory fees in extraordinary and compelling circumstances, upon a showing that such a waiver or reduction would serve the public interest.

KBEO was constructed and first put on the air as a new full power commercial television station in April 2001. Jackson is located in Teton County, Wyoming, and Jackson and Teton County are currently assigned to the Idaho Falls - Pocatello, Idaho Designated Market Area ("DMA"), which ranks as DMA No. 165, see 2003 Television Yearbook at 91 ("2003 Yearbook"); as a result, the 2008 regulatory fee for KBEO was \$5,600. See Regulatory Fees Fact Sheet, What You Owe - Media Services Licensees for FY 2008 at 3 (\$5,600 regulatory fee for commercial VHF stations in "Remaining Markets", i.e., DMAs over 100)(the "Media Services Fact Sheet"). KBEO is predicted to serve a population of only about 11,371 persons (1990 U.S. Census) and less than 4,000 households within its predicted Grade B contour, which is only a small fraction (less than 4%) as compared to the 108,000 households in KBEO's Idaho Falls - Pocatello DMA. See 2003 Yearbook at 91. Jackson itself has a current (2000 U.S. Census) population of only 8,647 persons. Since

KBEO does not serve the primary communities in the DMA, of Pocatello and Idaho Falls, even assessing KBEO the \$5,600 regulatory fee due from a DMA No. 165 station would ignore the facts and market realities faced by Pocatello-15 and KBEO, and would harm the service that may be offered by KBEO.

Pocatello-15 completed construction and first put KPIF on the air as a new full power commercial television station in March 2004. KPIF and Pocatello also are assigned to the Idaho Falls - Pocatello, Idaho DMA (DMA No. 165); however, since KPIF is a UHF station, the 2008 regulatory fee for KPIF was \$1,800. See Media Services Fact Sheet at 3 (\$1,800 regulatory fee for commercial UHF stations in "Remaining Markets", i.e., DMAs over 100). Even though KPIF does serve Pocatello, the principal community in the DMA, as a new station operating at a net loss and with very low revenue, even the payment of the \$1,800 regulatory fee imposes a financial hardship on Pocatello-15, harming the service that may be offered by KPIF and KBEO, both of which are preparing to incur the costs of converting to digital television ("DTV") in the next few months;¹ therefore, the regulatory fee should be waived completely for these stations.

In support of Pocatello-15's showing of financial hardship, attached hereto as Exhibit A are an unaudited Statement of Revenues and Expenses (or "profit and loss" statement, the "P&L") for Pocatello-15 for calendar year 2007 (which is also Pocatello-15's fiscal year, and is the most recent full year for which financial statements are available for Pocatello-15) and a Statement of Assets, Liabilities and Equity (or "Balance Sheet") as of December 31, 2007 for Pocatello-15, certified as accurate by an officer of Pocatello-15. The P&L reflects that Pocatello-15 suffered a net loss of \$210,431.95 on KPIF and KBEO in 2007, on gross income of \$120,028.70 (from "Ad/Graphic Design Income"). The poor financial condition of Pocatello-15 and its operations of KPIF and KBEO reflect that the stations are new stations that recently commenced broadcasting, and have yet to begin to generate any significant income from advertising.

Pocatello-15 has been able to continue to operate KPIF and KBEO only by means of loans totaling \$2,460,126.903 to date (i.e., since the inception of each station, KBEO in April 2001 and KPIF in March 2004, through December 31, 2007) from Pocatello-15's principal and 100% owner, Mrs. Myoung Hwa Bae (or other entities 100% owned by Mrs. Bae), to cover the construction and operating expenses of KPIF and KBEO.² No net payments (including no payroll payments) have been made by Pocatello-15, or by KPIF or KCFG, to Mrs. Bae, or to any entity in which Mrs. Bae has any interest, or to any other principal or owner of Pocatello-15 or KPIF or KBEO, in 2007 or since the stations were constructed and have been operating.

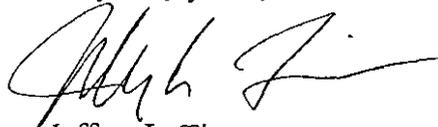
¹ As new stations, neither KPIF nor KBEO received a second paired channel for DTV, and therefore both stations must "flashcut" to digital on their current analog channel by the February 17, 2009 DTV transition deadline.

² The attached Balance Sheet as of December 31, 2007 reflects the total amount of the "Loans from Mrs. Bae", as well as "Due to [KM LPTV of] Chicago-13[, L.L.C.]", "Due to [KM LPTV of] Chicago-28[, L.L.C.]", "Due to [KM Television of] El Dorado[, L.L.C.], and "Due to KM Communications[, Inc.]" - - the latter four entities being separate entities each 100% owned by Mrs. Bae - - as being \$2,460,126.93 (net), since the inception of the two new stations, KPIF and KBEO.

In short, Pocatello-15's current financial hardship in operating KPIF and KBEO make it unduly burdensome for Pocatello-15 to bear the \$7,400 in regulatory fees that were due for fiscal year 2008 for KPIF and KBEO, and would reduce service to the communities of Pocatello and Jackson by hampering Pocatello-15's ability to implement its conversion to DTV for both stations. Accordingly, for the reasons stated herein, Pocatello-15 respectfully requests that the Commission waive the annual regulatory fees due from Pocatello-15 for KPIF and KBEO for fiscal year 2008, and refund the \$7,400 in regulatory fees paid for these station for fiscal year 2008.

Please date-stamp the enclosed additional "FILE" copy of this filing and return it the undersigned in the enclosed self-addressed stamped envelope. Any questions regarding this filing and the requests made herein may be directed to the undersigned counsel for Pocatello-15.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey L. Timmons", written in a cursive style.

Jeffrey L. Timmons

Attachment

cc: Mrs. Myoung Hwa Bae

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

February 26, 2009

09R E002688
09R E00764

Peter Tannenwald
Fletcher, Heald & Hildreth, P.L.C.
Counsel for Saranac Lake Radio, LLC
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209

Re: W266AP, Dannemora, New York
Request for Waiver of Fiscal Year 2008
Regulatory Fee
Fee Control No. RROG-09-00010864

Dear Mr. Tannenwald:

This is in response to your letter filed September 24, 2008, requesting waiver of the Fiscal Year (FY) 2008 regulatory fee on behalf of Saranac Lake Radio, LLC (Saranac Lake Radio), licensee of FM translator station W266AP, Dannemora, New York, on account of its silent status.¹ You also state that no FY 2006 regulatory fee was due for W266AP and ask that the Commission's records be revised accordingly.² Our records show that no payment has been made on behalf of W266AP for the FY 2008 regulatory fee. As set forth below, we grant your request.

In support of your request, you attach a letter dated June 28, 2007 from H. Taft Snowdon, Supervisory Attorney in the Audio Division of the Media Bureau, granting W266AP Special Temporary Authority (STA) to remain silent for a period not to exceed 180 days from the letter date.³ You attach a second letter from Mr. Snowdon, dated December 12, 2007, granting W266AP extension of its STA for a period not to exceed April 18, 2008.⁴ Each of these letters advised the licensee that "[n]otwithstanding the grant of this Special Temporary Authority, the broadcast license for W266AP will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m. on April 19, 2008."⁵ On November 4, you supplemented your request with a letter stating that

¹ Letter from Peter Tannenwald, Fletcher, Heald & Hildreth, P.L.C. to Marlene H. Dortch, Secretary, FCC (filed September 24, 2008) (Letter).

² *Id.*

³ *Id.* at Attachment, Letter from H. Taft Snowdon granting STA (dated June 28, 2007). Saranac Lake Radio's STA request indicated that W266AP went silent on April 18, 2007, when the station's antenna tower collapsed. *Id.*

⁴ Letter at Attachment, Letter from H. Taft Snowdon granting STA extension (dated December 12, 2007).

⁵ Letter at Attachment.

W266AP did not resume operation by this deadline and the license expired by operation of law pursuant to Section 312(g) of the Act.⁶

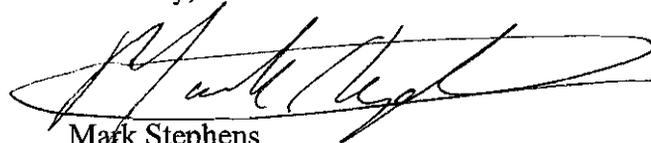
In *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12,759, 12,762 (1995), the Commission determined that the imposition of a regulatory fee could be an impediment to the restoration of service by dark stations and that it therefore would waive the fee requirement for stations which have ceased operation.

Because W266AP went dark on April 18, 2007, and remained dark until its license automatically expired one year later, your request to waive W266AP's FY 2008 regulatory fee is granted.

As to FY 2006, W266AY's license was issued after October 1, 2005; thus, no payment was due for FY 2006.⁷ We have corrected our records accordingly to remove any FY 2006 regulatory fee payment obligations for the station.

If you have any questions concerning this matter, 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

⁶ Letter from Peter Tannenwald, Fletcher, Heald & Hildreth, P.L.C. to Marlene H. Dortch, Secretary, FCC (filed November 4, 2008).

⁷ *Assessment and Collection of Regulatory Fees for Fiscal Year 2006*, 21 FCC Rcd 8092, 8106 para. 50 ("Regulatory fees must be paid ... for all broadcast facility licenses granted on or before October 1, 2005").

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

09 RFE003577

FEB 24 2009

OFFICE OF
MANAGING DIRECTOR

Robert J. Rini
Jonathan E. Allen
Counsel to SATV10, LLC
Rini Coran, PC
1615 L Street, N.W., Suite 1325
Washington, DC 20036

Re: KTRG (TV), Del Rio, Texas
Request for Waiver of Regulatory Fees
Fee Control No. RROG-09-00010875

Dear Counsel:

You have filed a Petition¹ requesting deferral and waiver of the fiscal year (FY) 2008 regulatory fee for KTRG (TV), Del Rio, Texas (KTRG), on account of financial hardship. Our records show that the FY 2008 regulatory fee in the amount of \$33,525.00 has not been paid. As explained below, your request is denied.

In your Petition, you indicate that construction of SATV10's full digital television (DTV) facility has been delayed by "severe financial constraints."² You also state that KTRG was in bankruptcy for more than two years at the time the assignment of KTRG to SATV10 was consummated.³

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

¹ SATV10, LLC Request for Waiver of FY 2008 Regulatory Fees (filed September 25, 2008) (Petition) (redacted version). You have requested confidential treatment of an unredacted version of your Petition also filed on September 25, 2008. We will give confidential treatment to your Petition pending a disposition of your request for confidential treatment. See 47 C.F.R. § 0.459(d).

² Petition at 2 (redacted version).

³ *Id.* Please be advised that evidence of bankruptcy or receivership 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). Our disposition of a fee waiver request on account of bankruptcy would depend on the status of bankruptcy proceedings at the time the regulatory fee was due. In your case, your Petition does not indicate the period of time during which KTRG was in bankruptcy. Thus, we are unable to determine whether this past bankruptcy status warrants a waiver of the FY 2008 regulatory fees. In addition, you recently supplemented your file with documentation showing that, on January 30, 2009, SATV10 filed for bankruptcy pursuant to Chapter 11 of the Bankruptcy Code. Electronic mail from Jonathan Allen, Rini Coran (dated February 11, 2009 @ 1:19 p.m. EST). Because this documentation contains no indication of SATV10's bankruptcy status at the time the FY 2008 regulatory fee was due, it has no bearing on our disposition of your request for waiver of this fee.

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.

In the absence of such documentation, or other relevant showing, you have failed to establish a compelling case for relief.⁴ Therefore, your request for waiver is denied. Payment of the FY 2008 regulatory fee in the amount of \$33,525.00 is now due. The regulatory fee should be filed with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. However, insofar as you may be relying on financial hardship, in lieu of payment, you may re-file the request for relief together with appropriate supporting documentation and a request to further defer payment of the fee, within 30 days from the date of this letter.

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

Sincerely,



Mark Stephens
Chief Financial Officer

⁴ We make this determination upon reviewing the unredacted version of your Petition.

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

RROG-09-0006875

In the Matter of)
)
SATV10, LLC)
FRN: 0014562839)
)
Licensee of Station: KTRG (TV))
Channels: 10 (Analog) / 28 (Digital))
Del Rio, TX)
Facility ID: 55762)

FCC File No.: _____

FILED/ACCEPTED

SEP 25 2008

Federal Communications Commission
Office of the Secretary

To: Office of the Secretary
Attention: Office of the Managing Director

REQUEST FOR WAIVER OF FY2008 REGULATORY FEES

SATV10, LLC ("SATV10"), licensee of Station KTRG(TV) at Del Rio, TX, by counsel and pursuant to Section 1.1166 of the Commission's rules, requests waiver of its regulatory fees for Fiscal Year 2008. SATV10 also requests, to the extent necessary, deferral of payment of these fees. The Commission's Rules permit entities to request a waiver, reduction or deferment of payment of the regulatory fee and provide for relief where good cause is shown and the public interest will be served.¹ As detailed below, such relief is warranted here,

Due to the competitively sensitive nature of the information presented herein, this filing is being submitted in a redacted version. The unredacted version of this filing is being submitted concurrently under separate cover, along with a Request for Confidential Treatment made pursuant to Section 0.459 of the Commission's Rules. SATV10 requests that the unredacted version of this filing be withheld from public inspection.

¹ 47 C.F.R. § 1.1166.

REDACTED

A recent FCC notification indicates that the FY2008 regulatory fees for Station KTRG(TV) will be \$33,525.00. The Commission has granted requests for waiver of regulatory fee payments by licensees experiencing severe financial hardship. Waiver of SATV10's FY2008 regulatory fees would serve the public interest by permitting SATV10 to

The Commission recently granted SATV10 an extension of time until November 19, 2008 to construct its full DTV facility.² SATV10's extension application included a showing of financial hardship. While SATV10 continues to diligently work towards construction of the digital television facility for KTRG(TV), as previously reported to the Commission, severe financial constraints have delayed completion of construction. †

³ The station was subject to a bankruptcy proceeding for more than two years at the time the assignment of KTRG-TV to SATV10 was consummated.

² FCC File No. BEPCDT-20080512AFT. See Exhibit A. This request was filed with the FCC with a request for confidential treatment.

³ *Id.*

SATV10's consulting engineer made an exhaustive, and costly, search for a new tower site and conducted engineering studies to design new facilities to conform with FCC rules. SATV10 found an alternative site, but was unable to request FCC authority to relocate its facilities until recently because of the Commission's DTV filing freeze.⁴ On June 18, 2008, SATV10 filed an application to relocate its facilities.⁵

SATV10 also requests deferral of the regulatory fees for Fiscal Year 2008, to the extent such deferral is necessary. The purpose of requesting such a deferral is to avoid the imposition of any payment penalties for failure to timely pay the regulatory fees. Given the likelihood of success of this petition, combined with the financial hardship that imposition of the regulatory fees would impose, the public interest would be served by granting the deferral request.

Please contact the undersigned counsel should you need any further documentation, or if you have any questions regarding this request.

Respectfully submitted,
SATV10, LLC



Robert J. Rini
Jonathan E. Allen
Rini Coran, PC
1615 L Street, NW Suite 1325
Washington, DC 20036
Counsel to SATV10, LLC

September 25, 2008

⁴ See DA 08-1213, rel. May 30, 2008.

⁵ FCC File No. BMPCDT-20080618ACC.

Exhibit 1


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Application Search Details

File Number: BEPCDT-20080512AFG
Call Sign: KTRG
Facility Id: 55762
FRN: 0014562839
Applicant Name: SATV10, LLC
Frequency:
Channel: 28
Community of License: DEL RIO, TX
Application Type: CP EXTENSION
Status: GRANTED
Status Date: 05/19/2008
Expiration Date: 11/19/2008
Tolling Code:
Application Service: DT
DTV Type:
Disposed Date: 05/19/2008
Accepted Date: 05/13/2008
Last Public Notice: 05/22/2008
Last Report Number: 46742
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Please send comments via standard mail to the Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street, S.W., Washington, D.C., 20554. Questions can also be answered by calling the FCC's National Call Center, toll free, at 1-888-Call FCC (1-888-225-5322).

Federal Communications Commission
 445 12th Street SW
 Washington, DC 20554
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