

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 29 2010

OFFICE OF
MANAGING DIRECTOR

Scott C. Cinnamon, Esq.
Law Offices of Scott C. Cinnamon, PLLC
1250 Connecticut Ave., N.W.
Suite 200, #144
Washington, D.C. 20036

Re: Southern Media Communications, Inc.
FY 2009 Regulatory Fee
Fee Control No. RROG-09-00012034

Dear Mr. Cinnamon:

This letter responds to your request filed September 22, 2009 (*Request*), on behalf of Southern Media Communications, Inc. (SMC), licensee of Station WNSI-FM, for waiver of the fiscal year (FY) 2009 regulatory fee. Our records reflect that SMC has not paid the \$650.00 FY 2009 regulatory fee. For the reasons stated herein, we grant your request.

You state that SMC filed for Chapter 11 bankruptcy in January of 2008,¹ and was in bankruptcy on the date that the FY 2009 regulatory fees were due, *i.e.*, September 22, 2009.² You submit a copy of the *Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines*, and a copy of the *Chapter 11 Operating Order*, both of which were issued by the United States Bankruptcy Court, Southern District of Alabama, on January 25, 2008 (*Bankruptcy Court Notice and Order*, respectively).³

The Commission has determined that it will waive regulatory fees for licensees who are bankrupt or are in receivership at the time the fees are due.⁴ Based on the evidence that you provide that SMC was in bankruptcy on the September 22, 2009, due date for filing FY 2009 regulatory fees,⁵ including the *Bankruptcy Court Notice and Order*, we grant SMC a waiver of the FY 2009 regulatory fees.

¹ *Request* at 1.

² See email from Scott Cinnamon to Joanne Wall (Oct. 28, 2009).

³ *Request*, Attachments.

⁴ See *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995).

⁵ See *Public Notice, FY 2009 Regulatory Fees Due No Later Than September 22, 2009, Eastern Time (ET)*, DA 09-1837, 2009 WL 2595896 (Aug. 21, 2009).

Scott C. Cinnamon, Esq.

2.

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 stylized flourish at the end.

Mark Stephens
Chief Financial Officer

RR06-09-00012034

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Received & Inspected

In re Application of)
)
SOUTHERN MEDIA)
COMMUNICATIONS, INC.)
)
Licensee of)
WNSI-FM, Atmore, AL) Fac ID 51140

SEP 22 2009

FCC Mail Room

To: Secretary, Federal Communications Commission, and then to
Office of the Managing Director, Regulatory Fee Waiver/Reduction Department

**PETITION FOR DEFERMENT AND
REQUEST FOR WAIVER OF FCC FEES**

1. Southern Media Communications, Inc. ("SMC"), licensee of Station WNSI-FM (fac id no. 51140) (the "Station") respectfully requests deferment of any obligation it might have for regulatory fee payments for the Station for the regulatory fees which are due on September 22, 2009.

2. SMC filed for Chapter 11 protection in January 2008. A copy of the Notice and the Standing Order issued by the United States Bankruptcy Court for the Southern District of Alabama is attached. The Station continues to operate at a loss even today.

3. Based on these circumstances, SMC submits that it should not be required to pay FCC regulatory fees for 2009.

Respectfully submitted,
SOUTHERN MEDIA COMMUNICATIONS, INC.

By: 

Scott C. Cinnamon
Law Offices of Scott C. Cinnamon, PLLC
1250 Connecticut Ave., NW, Suite 200, #144
Washington, D.C. 20036
(202) 216-5798

Its Counsel

September 21, 2009

Fy09 Reg Fee amount due is
\$650.00... AJ

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 29 2010

OFFICE OF
MANAGING DIRECTOR

Peter Tannenwald, Esq.
Davina S. Sashkin, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209

Re: Southern TV Corporation
FY 2009 Regulatory Fees
Fee Control No. RROG-09-00011950

Dear Counsel:

This is in response to your request filed September 8, 2009 (*Request*), on behalf of Southern TV Corporation (Southern TV), for a waiver of the Fiscal Year (FY) 2009 regulatory fees associated with Stations WGSA, WMU487, WGSA-CA, WGCW-LP, W25CQ, W32BJ, and W41CR (the Stations). Our records reflect that you have not paid the \$7,600.00, \$10.00, \$400.00, \$400.00, \$400.00, and \$400.00 FY 2009 regulatory fees for Stations WGSA, WMU487, WGSA-CA, WGCW-LP, W25CQ, W32BJ, and W41CR, respectively. For the reasons stated herein, we grant your request.

You state that the Commission granted Southern TV Special Temporary Authority for Stations WGSA-CA, WGCW-LP, W25CQ, and W32BJ, to remain silent.¹ You submit a statement from the President of Southern TV that Stations WGSA-CA, WGCW-LP, W25CQ, and W32BJ are silent and will not resume operation on or before September 22, 2009, the due date for filing FY 2009 regulatory fees.² You assert that Southern TV has suffered financial losses and negative cash flow during the past three years and anticipates negative cash flow in 2009.³ You state that “[c]ash flow has been negative disregarding payments to principals, non-cash items, and interest on notes payable to stockholders.”⁴ You submit a copy of Southern TV’s 2008 U.S. Income Tax Return for

¹ *Request* at 2-3.

² *Id.*, Declaration of Dan L. Johnson.

³ *Id.* at 2.

⁴ *Id.*; *see also* Declaration of Dan L. Johnson (the “financial statements exclude from expenses any and all payments made to officers, directors, and shareholders . . . of Southern TV, . . . regardless of the form of payment”).

an S Corporation, Form 1120S (*2008 Income Tax Return*) and provide a statement regarding the salary and commission of Southern TV's highest paid employee.⁵

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.

Our review of the record, including Southern TV's *2008 Income Tax Return*, indicates that Southern TV suffered a financial loss in calendar year 2008, that was only partially offset by a depreciation deduction and funds payable to the corporation's highest paid employee, and that there were no deductions attributable to funds payable to principals. Given that Southern TV suffered a financial loss in calendar year 2008, we grant your request for a waiver of the FY 2009 regulatory fees.

Our records also reflect that the Commission's Media Bureau granted Southern TV's request on behalf of Stations WGSA-CA, W25CQ, W32BJ, and WGCW-LP for extension of Special Temporary Authority to remain silent to January 8, 2010, January 8, 2010, December 11, 2009, and December 2, 2009, respectively.⁷ The fact that Stations WGSA-CA, W25CQ, W32BJ, and WGCW-LP were not operating on the date that the FY 2009 regulatory fee was due (*i.e.*, September 22, 2009), provides an additional grounds for granting those four stations a waiver of the FY 2009 regulatory fee.⁸

You have also requested confidential treatment of the financial data that you submitted with your request for fee relief. Pursuant to section 0.459(d)(1) of the Commission's rules, 47 C.F.R. §0.459(d)(1), we do not routinely rule on requests for confidential treatment until we receive a request for access to the records. The records are treated

⁵ See email from Davina S. Sashkin to Joanne Wall, Attachment (*2008 Income Tax Return*) (Nov. 19, 2009).

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

⁷ See letters from Hossein Hashemzadeh, Video Div., Media Bur., FCC, to Southern TV Corp. (WGSA-CA, W25CQ: July 14, 2009); letters from Hossein Hashemzadeh, Video Div., Media Bur., FCC, to Southern TV Corp. (W32BJ and WGCW-LP: July 14, 2009).

⁸ See *Reconsideration Order* 10 FCC Rcd at 12762 (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; broadcast stations which are dark must request permission to suspend operation pursuant to Section 73.1740(a)(4) of the Rules.).

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
MAR 29 2010

OFFICE OF
MANAGING DIRECTOR

Peter Tannenwald, Esq.
Davina S. Sashkin, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, VA 22209

Re: Southern TV Corporation
FY 2009 Regulatory Fees
Fee Control No. RROG-09-00011950

Dear Counsel:

This is in response to your request filed September 8, 2009 (*Request*), on behalf of Southern TV Corporation (Southern TV), for a waiver of the Fiscal Year (FY) 2009 regulatory fees associated with Stations WGSA, WMU487, WGSA-CA, WGCW-LP, W25CQ, W32BJ, and W41CR (the Stations). Our records reflect that you have not paid the \$7,600.00, \$10.00, \$400.00, \$400.00, \$400.00, and \$400.00 FY 2009 regulatory fees for Stations WGSA, WMU487, WGSA-CA, WGCW-LP, W25CQ, W32BJ, and W41CR, respectively. For the reasons stated herein, we grant your request.

You state that the Commission granted Southern TV Special Temporary Authority for Stations WGSA-CA, WGCW-LP, W25CQ, and W32BJ, to remain silent.¹ You submit a statement from the President of Southern TV that Stations WGSA-CA, WGCW-LP, W25CQ, and W32BJ are silent and will not resume operation on or before September 22, 2009, the due date for filing FY 2009 regulatory fees.² You assert that Southern TV has suffered financial losses and negative cash flow during the past three years and anticipates negative cash flow in 2009.³ You state that “[c]ash flow has been negative disregarding payments to principals, non-cash items, and interest on notes payable to stockholders.”⁴ You submit a copy of Southern TV’s 2008 U.S. Income Tax Return for

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an S Corporation, Form 1120S (*2008 Income Tax Return*) and provide a statement regarding the salary and commission of Southern TV's highest paid employee.⁵

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.

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Our records also reflect that the Commission's Media Bureau granted Southern TV's request on behalf of Stations WGSA-CA, W25CQ, W32BJ, and WGCW-LP for extension of Special Temporary Authority to remain silent to January 8, 2010, January 8, 2010, December 11, 2009, and December 2, 2009, respectively.⁷ The fact that Stations WGSA-CA, W25CQ, W32BJ, and WGCW-LP were not operating on the date that the FY 2009 regulatory fee was due (*i.e.*, September 22, 2009), provides an additional grounds for granting those four stations a waiver of the FY 2009 regulatory fee.⁸

You have also requested confidential treatment of the financial data that you submitted with your request for fee relief. Pursuant to section 0.459(d)(1) of the Commission's rules, 47 C.F.R. §0.459(d)(1), we do not routinely rule on requests for confidential treatment until we receive a request for access to the records. The records are treated

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

⁷ See letters from Hossein Hashemzadeh, Video Div., Media Bur., FCC, to Southern TV Corp. (WGSA-CA, W25CQ: July 14, 2009); letters from Hossein Hashemzadeh, Video Div., Media Bur., FCC, to Southern TV Corp. (W32BJ and WGCW-LP: July 14, 2009).

⁸ See *Reconsideration Order* 10 FCC Rcd at 12762 (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; broadcast stations which are dark must request permission to suspend operation pursuant to Section 73.1740(a)(4) of the Rules.).

confidentially in the meantime. If a request for access to the information submitted in conjunction with your regulatory fees is received, you will be notified and afforded the opportunity to respond at that time.

In summary, we grant your request for waiver of the FY 2009 regulatory fees for the Stations. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Stephens", written in a cursive style.

Mark Stephens
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 24 2010

OFFICE OF
MANAGING DIRECTOR

Scott M. Klopach, Esq.
Matrix Business Technologies
7171 Forest Lane, Suite 700
Dallas, TX 75230

Re: Startec Global Operating Company and
Americatel Corporation
FY 2009 Regulatory Fees
Fee Control Nos. 0909289084603006 and
0909289084603007

Dear Mr. Klopach:

This is in response to your request filed November 17, 2009 (*Request*), on behalf of Startec Global Operating Company (Startec) and Americatel Corporation (Americatel) (collectively, the licensees) for waiver of the penalties for late payment of the Fiscal Year (FY) 2009 regulatory fees. Our records reflect that Startec and Americatel paid the \$201,657.00 and \$288,867.00 at issue here, respectively, but not the associated \$50,414.25 and \$72,216.75 penalties (totaling \$122,631.00). For the reasons stated herein, we deny your request.

You state that with the faltering economy, the licensees have suffered a steady reduction in revenue and cash.¹ You say that to reduce costs, Startec was merged into Americatel, operations were consolidated in Dallas, Texas, and over thirty positions eliminated.² You assert that while you do not seek a waiver of the regulatory fee, payment of the penalties places the licensees' "credit facility in jeopardy and therefore threatens their viability" and that the loss of the licensees' services would be contrary to the public interest.³ You state that as part of the consolidation, on September 1, 2009, the licensees' Dallas office assumed responsibility for accounts payable and, despite numerous reminders, did not pay the FY 2009 regulatory fees as timely as planned.⁴ You aver that the licensees sent the regulatory fee checks to the Commission via the U.S. Postal Service's (USPS's) first class mail on September 18, 2009, in sufficient time to meet the payment deadline, but that an "inexplicable delay" with USPS caused the payment to be received by the Commission on September 24, 2009, two days after the payment deadline.⁵ You claim that the licensees have always paid the regulatory fees on time.⁶

¹ *Request* at 1.

² *Id.*

³ *Id.*

⁴ *Id.* at 2.

⁵ *Id.*

⁶ *Id.*

The Communications Act of 1934, as amended, requires the Commission to assess a penalty of 25 percent on any regulatory fee not paid in a timely manner.⁷ It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year.⁸

Your assertion that the licensees mailed the FY 2009 regulatory fee payments on September 18, 2009, via USPS's first class mail provides neither proof that the Commission received the regulatory fee payment by the September 22, 2009, filing deadline nor, under the circumstances, support for a waiver of the late payment penalty. With respect to your claim that the payments were mailed in sufficient time to meet the filing deadline and that an "inexplicable delay" with USPS caused the late payment, as the Commission stated in *Aerco Broadcasting Corp.*, 16 FCC Red 15042, 15043 (2001), section 1.1158 of the Commission's rules

permits payment of regulatory fees in forms that would not be affected by extrinsic factors, such as the uncertainties associated with the timing of mail delivery or the possibility of approaching weather conditions that might slow delivery. [Footnote omitted.] The rules allow electronic transfer of funds, thus providing greater certainty of timely delivery. This permits licensees to account for individual circumstances in choosing how to meet their obligations to make payment in a timely manner.

USPS does not advertise or guarantee that first-class mail will be delivered within a specified number of days and therefore your reliance on it to effect delivery by the September 22 deadline was not reasonable. Because the Commission's rules permit payment of regulatory fees by methods other than USPS first-class mailing, including accessible methods such as electronic transfer,⁹ your conjecture that USPS caused a delay fails to establish the extraordinary circumstances that would justify a waiver of the penalty for late payment of the FY 2009 regulatory fees.

With respect to your statement that you seek a waiver of the penalty on the grounds of financial hardship, we note that even though the Commission will waive its regulatory fees in those instances where a petitioner presents a compelling case of financial hardship, you do not request a waiver of the FY 2009 regulatory fees and provide no documentation that would support such a request.¹⁰ Regarding your claim that the licensees have always paid the regulatory fees on time, we note that Startec failed to pay

⁷ 47 U.S.C. §159(c)(1).

⁸ See 47 C.F.R. §1.1164.

⁹ Additional information regarding payment by electronic transfer can be found at <http://www.fcc.gov/fees/electran.html>.

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

Scott M. Klopach, Esq.

3.

the FYs 2001 and 2002 regulatory fees in a timely manner and subject to late payment penalties for those years.¹¹ Because your request does not indicate or substantiate that the licensees submitted the FY 2009 regulatory fees by the September 22, 2009, filing deadline, we deny your request for waiver of the late payment penalties.¹²

Payment of the \$122,631.00 penalties for late payment of the FY 2009 regulatory fees is now due. The penalties 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 contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

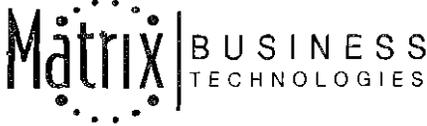


Mark Stephens
Chief Financial Officer

Enclosure

¹¹ See letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, FCC, to Albert H. Kramer, Esq. and Jacob S. Farber, Esq. (Nov. 3, 2005).

¹² Our records indicate that the Commission received the regulatory fee on September 24, 2009.



0909289084603006
0909289084603007
Received & Inspected
RECEIVED

NOV 16 2009

November 11, 2009

2009 NOV 17 A 10:15

FCC Mail Room

FINAL

12325

Office of Managing Director
c/o Regina Dorsey @ Regina.Dorsey@fcc.gov
Federal Communications Commission
445 12th Street SW, Room 1-A625
Washington, DC 20554

Re: Startec Global Operating Company (FRN 0007715915) ("Startec")
Americatel Corporation (FRN 0004059168) ("Americatel")

Request for Waiver of Late Fee

Startec and Americatel have each been assessed a 25% late penalty on the 2009 Regulatory Fee (the "Late Fee"). According to the Federal Communication Commissions' (the "FCC") records, Startec's payment (\$201,657) and Americatel's payment (\$288,867), submitted in the same envelope, were received September 24, 2009. Due to financial hardship as well as a combination of unanticipated delays in the mailing and delivery of the checks, Americatel and Startec respectfully request a waiver of the Late Fee.

Financial Hardship

Significantly, with the faltering economy Startec and Americatel have suffered a steady reduction in revenue and, as a result, cash flow. Measures were implemented months ago to reduce costs, including merging Startec into Americatel and consolidating operations in Dallas, Texas (please see the attached affidavit of Laurie Rodriguez, CFO of Startec and Americatel, paragraph 3). Over thirty positions were eliminated from July 31 to November 1, 2009 (Rodriguez affidavit, paragraph 4).

In the long term, these actions will result in significant cost savings. Until that time, however, cash flow remains weak – the year to date cash flow for the merged companies is negative \$722,000 through September 30 (Rodriguez affidavit, paragraph 5). While neither company seeks a waiver of its 2009 regulatory fees (which have already been paid), an additional 25% penalty places each company's credit facility in jeopardy and therefore threatens their viability.

Americatel primarily provides customers a low cost alternative for the Latin American long distance market. Startec brand services target mainly non-Hispanic consumers throughout the United States and Canada with key markets in Asia, Europe and the

Middle East. The loss of such services would certainly be contrary to the public interest, especially to the companies' tens of thousands of customers.

Mailing of Checks

A key piece of reorganizing the companies was consolidating the operations in Dallas, Texas, including customer service, collections, accounting, payment processing and billing. The Dallas office assumed responsibility for accounts payable on September 1, 2009 (see the attached affidavit of Danielle Manning, Accounts Payable Specialist, paragraph 3).

Although numerous reminders were in place to insure timely payment, the switch-over was not as seamless as hoped. As a result, checks were not issued as timely as planned during September. Unfortunately, this included the 2009 regulatory fee payments for Americatel and Startec.

Despite the delay, two checks - number 005667 in the amount of \$201,657 for Startec and number 005657 in the amount of \$288,867 for Americatel - were issued and sent to the FCC via first class mail on September 18, 2009 (affidavit of Danielle Manning, paragraph 4). Although the payments were mailed in sufficient time to meet the deadline, there was obviously an inexplicable delay with the U.S. Postal Service if, as the FCC indicates, payment was not received by the FCC until September 24.

In addition to the financial hardship and unexpected delay in receipt of the payments, please also be aware that neither company has previously ever been late with the payment of its regulatory fees. Instead, a unique set of circumstances have culminated in the FCC receiving Startec and Americatel's 2009 regulatory fee two days late. Accordingly, Startec and Americatel respectfully request a waiver of the Late Fees.

Thank you for your consideration.

Sincerely,



Scott M. Klopack
General Counsel

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 29 2010

OFFICE OF
MANAGING DIRECTOR

Christina Jackson
T/A Apartment Services
DBA Veracity Communications
379 N. University Avenue
Provo, UT 84601

Re: T/A Apartment Services
Fiscal Year 2009 Regulatory Fee Waiver Request
Fee Control No. RROG-09-00012251

Dear Ms. Jackson:

This letter is in response to your request filed on October 27, 2009, on behalf of T/A Apartment Services for waiver of the 25 percent penalty charged to it for late payment of its Fiscal Year (“FY”) 2009 regulatory fee (“*Waiver Request*”). Our records show and you do not dispute that T/A Apartment Services did not pay the fiscal year 2009 regulatory fees when due (*i.e.*, September 22, 2009), and therefore, T/A Apartment Services was assessed a late payment penalty of \$2,328.75, bringing total payment due to \$11,643.75. T/A Apartment Services paid the regulatory fee but not the assessed late payment penalty. For the reasons below, we deny your request for waiver.

In support of your request, you state T/A Apartment Services did not receive “a bill for collection from the FCC regarding our 2009 Regulatory Fees” until “October 19, 2009” which provided “the first notice we have received regarding what our company owes.”¹ You also state that T/A Apartment Services was “not aware of the change in policy regarding paying these fees online” and thus is “requesting a waiver of the penalty fees as we have only been recently notified by the Revenue and Receivable Operations Group of this new policy.”²

Section 9(c)(1) of the Communications Act, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner.³ The Commission’s rules provide that a timely payment of a regulatory fee is one received at the Commission’s lockbox bank by the due date.⁴

¹ *Waiver Request*.

² *Id.*

³ See 47 U.S.C. § 159(c)(1) (“The Commission *shall* prescribe by regulation an additional charge which *shall* be assessed as a penalty for late payment of fees required by subsection (a) of this section [Regulatory Fees]. Such penalty *shall* be 25 percent of the amount of the fee which was not paid in a timely manner”) (emphases added).

⁴ 47 C.F.R. § 1.1164.

It is the obligation of 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, which for FY 2009 was September 22, 2009. The Commission, however, did not receive payment of T/A Apartment Services' FY 2009 regulatory fees until October 26, 2009.

The Commission takes care to inform its licensees of the due dates, amounts of the fees, and payment methods in public notices and fact sheets, which information it also posts on its web site, www.fcc.gov. For the FY 2009 regulatory fees, the Commission released several public notices informing licensees of the September 22, 2009, deadline for filing regulatory fees and posted these items on its web site.⁵

Further, the Commission determined in *Assessment and Collection of Regulatory Fees for Fiscal Year 2009, Report and Order*, 24 FCC Rcd 10301, 10308-10309 (2009), that it would no longer mail pre-bills via surface mail to licensees such as the Companies. That decision, which was adopted on July 28, 2009, and released on July 31, 2009, adopted without change a proposal announced by the Commission in *Assessment and Collection of Regulatory Fees for Fiscal Year 2009, Notice of Proposed Rulemaking*, 24 FCC Rcd 5966, 5972-73 (2009), which was released on May 14, 2009. The Commission adopted the modifications to the notifications procedures at issue here almost two months before the due date for filing the FY 2009 regulatory fees, and proposed those modifications over four months before the due date.

The Commission has repeatedly held that “[l]icensees are expected to know and comply with the Commission’s rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances.”⁶ You have not presented circumstances sufficient to mitigate your responsibility as a licensee to apprise yourself of your obligation to pay the FY 2009 regulatory fee by the announced deadline of September 22, 2009. We therefore deny your request for waiver of the penalties for late payment of the fiscal year 2009 regulatory fees for the Companies.

We find that T/A Apartment Services failed to meet its obligation to timely pay its FY 2009 regulatory fees and that its request for waiver presents no extraordinary circumstances that would warrant waiver of the assessed penalty. Accordingly, we deny your request for waiver of the 25 percent penalty assessed against T/A Apartment Services for late payment of its FY 2009 regulatory fees.

⁵ *Id.*

⁶ See *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

Christina Jackson

3.

Payment of the \$2,328.75 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 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

Enclosure

0910279088066008

1225

VERACITY

RECEIVED

2009 OCT 27 P 2:32

FINANCIAL SERVICES
CENTER

October 20, 2009

Federal Communications Commission
Office of the Managing Director
445 12th Street SW Room 1-A625
Washington DC, 20554
Attn: Regulatory Fee Waiver/Reduction Request

RE: FRN #0000010827

To Whom It May Concern:

We are in receipt of a bill for collection from the FCC regarding our 2009 Regulatory Fees. This notice was received by our office on October 19, 2009. This is the first notice we have received regarding what our company owes. We were not aware of the change in policy regarding paying these fees online. We are requesting a waiver of the penalty fees as we have been only been recently notified by the Revenue and Receivable Operations Group of this new policy.

Thank you for your consideration,



Christina Jackson
T/A Apartment Services
DBA Veracity Communications
379 N University Ave
Provo, UT 84601

W: 801-437-6578

F: 801-373-0682

Cc: Revenue and Receivables Operations Group

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 1 2010

OFFICE OF
MANAGING DIRECTOR

Mr. Bud Adams
Timberlands Broadcasting Corp.
607 Rio Grande Street
Bogalusa, LA 70429

Re: Timberlands Broadcasting Corp.
Station WIKC (AM), Bogalusa, LA
Fiscal Year 2009 Regulatory Fee Waiver Request
Fee Control No. RROG-09-00012415

Dear Mr. Adams:

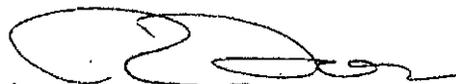
This letter is in response to your facsimile request on December 7, 2009, on behalf of Timberlands Broadcasting Corp., Station WIKC (AM), Bogalusa, Louisiana, Quitman, for waiver of the \$500 fiscal year 2009 regulatory fee which includes a 25% penalty for non payment of the regulatory fee when due ("*Waiver Request*"). For the reasons below, we grant your request.

In support of your request, you state that Station WIKC "has been off the air since August 17, 2009," and that "due to economic conditions" the station is "not able to return to broadcasting."¹

The Commission has determined that the imposition of a regulatory fee could be an impediment to the restoration of broadcast service and therefore will grant "petitions for waivers of the regulatory fees on the grounds of financial hardship from licensees of broadcast stations which are dark (not operating)." *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995). Because Station WIKC (AM) was not operating on the date that the fiscal year 2009 regulatory fees were due (*i.e.*, September 22, 2009), we grant your request for waiver of the fee, including the penalty.

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

¹ *Waiver Request* at 1.

RROG-09-000 2415 Pg 1 of 4

FAX TO 202-418-7869

ATTN: MONIQUE 12/7/09

Per our phone conversation of today 12-7-09 concerning the regulatory fee for WTKC Radio - (see Attached Bill)

WTKC Radio has been off the air since August 17, 2009 due to the economic conditions of this area and lightning damage to the station we are not able to return to broadcasting - Attached are copies of the letters to the FCC notifying them and a copy of the certified mail receipt for the FCC Mail Room.

I am forwarding to the FCC a request for waiver of the fee due to financial hardship of WTKC

Sincerely,
Bud Adams
Timberlands Broadcasting Corp.

												MONTH		YEAR	
I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.															
AUTHORIZED SIGNATURE												DATE			

Pg 3 of 4



BOGALUSA, LA

A Division of Timberlands Broadcasting Corp.

P.O. Box 638 607 Rio Grande Street
Bogalusa, Louisiana 70427
Office (985) 732-4190
Fax (985) 732-7594

wikc1490am@yahoo.com

Certified Mail
August 24, 2009

Ms. Denise Williams
Room 2-B450
Audio Division, Media Bureau
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Dear Ms. Williams,
On Monday August 17, 2005 WIKC AM radio station went off the air. This was caused by two lightning strikes severely damaging equipment. Due to economic problems in the Bogalusa, LA market we do not know when we will have money available to pay for the costs of repairs and the cost of continued problems. We will be getting back in contact with you to determine what will be necessary to put the station back on the air. We understand that we have up to one year to return the station to air.

Thank you very much.

Sincerely yours,

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 24 2010

OFFICE OF
MANAGING DIRECTOR

Stella Gnepp
Regulatory Affairs Manager
TNCI
2 CharlesGate West
Boston, MA 02215

Re: Trans National Communications
International Inc.
Fiscal Year 2009 Regulatory Fee
Fee Control No. 0911049088118008

Dear Ms. Gnepp:

This is in response to your request dated October 26, 2009 (*Request*), filed on behalf of Trans National Communications International Inc. (TNCI) for waiver of the penalty for late payment of the fiscal year (FY) 2009 regulatory fee. Our records reflect that you paid the \$76,338.00 FY 2009 regulatory fee, but not the \$19,084.50 late payment penalty. For the reasons set forth below, we deny your request.

You assert that TNCI has always paid its regulatory fees in a timely manner after receiving an invoice indicating the amount and due date.¹ You state that TNCI did not receive an invoice for FY 2009 and “had no notice of the change to the mandatory use of the online Fee Filer System.”²

The Communications Act of 1934, as amended, requires the Commission to assess a penalty of 25 percent on any regulatory fee not paid in a timely manner.³ 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.⁴ TNCI paid the regulatory fee on November 4, 2009, after the September 22, 2009, deadline for filing regulatory fees, and therefore failed to meet this obligation.

¹ *Request* at 1.

² *Id.*

³ 47 U.S.C. §159(c)(1).

⁴ See 47 C.F.R. §1.1164, and see *Public Notice, Payment Methods and Procedures for FY 2009*, 24 FCC Rcd 11513, 11513 (Sept. 2, 2009) (*September 2009 Public Notice*), *Public Notice, FY 2009 Regulatory Fees Due No Later Than September 22, 2009, Eastern Time (ET)*, 24 FCC Rcd 10890, 10890 (Aug. 21, 2009), and *Public Notice, Fee Filer Mandatory for FY 2009 Regulatory Fees*, 24 FCC Rcd 10893, 10893 (Aug. 21, 2009) (stating that FY 2009 regulatory fees must be received by the Commission no later than September 22, 2009, and that payments received after that date will be charged a 25 percent late payment penalty).

The Commission informs its licensees of the due dates, amounts of the fees, and payment methods in public notices and fact sheets, which information it also posts on its web site, www.fcc.gov. For the FY 2009 regulatory fees, the Commission released several public notices informing licensees of the September 22, 2009, deadline for filing regulatory fees and posted these items on its web site.⁵

Further, the Commission determined in *Assessment and Collection of Regulatory Fees for Fiscal Year 2009, Report and Order*, 24 FCC Rcd 10301, 10308-10309 (2009), that it would no longer mail pre-bills via surface mail to licensees such as TNCI. That decision, which was adopted on July 28, 2009, and released on July 31, 2009, adopted without change a proposal announced by the Commission in *Assessment and Collection of Regulatory Fees for Fiscal Year 2009, Notice of Proposed Rulemaking*, 24 FCC Rcd 5966, 5972-73 (2009), which was released on May 14, 2009. The Commission adopted the modifications to the notifications procedures at issue here almost two months before the due date for filing the FY 2009 regulatory fees, and proposed those modifications over four months before the due date.

The Commission has repeatedly held that “[l]icensees are expected to know and comply with the Commission’s rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances.”⁶ You have not presented circumstances sufficient to mitigate your responsibility as a licensee to apprise yourself of your obligation to pay the FY 2009 regulatory fee by the announced deadline of September 22, 2009. We therefore deny your request for waiver of the penalty for late payment of the fiscal year 2009 regulatory fee for TNCI.

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

Sincerely,



Mark Stephens
Chief Financial Officer

⁵ *Id.*

⁶ See *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), citing *Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).



October 26, 2009

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

12331

RE: TNCI (FRN #0004-3378-46) Waiver Request of 25% Late-payment Penalty

Dear Managing Director:

Trans National Communications International Inc. ("TNCI") is seeking a waiver of the 25% late-payment assessed on TNCI's FY 2009 regulatory fees by the Federal Communications Commission ("FCC"). Prior to the current year, TNCI has always made timely regulatory payments to the FCC after first receiving an invoice indicating the amount due and the future payment due date. As this fee is normally assessed during the FY3Q, and TNCI had not received any payment assessment despite nearing the close of the quarter, TNCI actively sought information regarding this year's deadline. At the time of TNCI's inquiry regarding the yearly fee, TNCI was first made aware of the mandatory use of the FCC's Fee Filer System for FY 2009 and the automatic 25% late payment fee assessment.

TNCI had no notice of the change to the mandatory use of the online Fee Filer System. As such, TNCI reasonably understood that assessments would be communicated as they had been in years prior—by notice sent via U.S. mail. By the time TNCI discovered that the regulatory fees had been posted online, the 25% late payment fee had already been applied. Thus, TNCI also had no ability to avoid the late payment fee.

TNCI has made payment of the total regulatory fee (attached) and respectfully requests the late payment fee be waived for FY 2009. A grant of waiver would be in the public interest as it would help allow TNCI to continue to operate reliably as anticipated by previously determined financials.

TNCI is currently aware of the online filing requirements and will make all future regulatory fee payments through such means. Please send the decision regarding granting of this waiver as well as any questions to the undersigned at sgnepp@tncii.com or at 617-369-1163.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stella Gnepp", with a long horizontal line extending to the right.

Stella Gnepp
TNCI, Regulatory Affairs Manager

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554
MAR 1 2010

OFFICE OF
MANAGING DIRECTOR

Dan J. Alpert
2120 N. 21st Road
Arlington, VA 22201

Re: Tugart Properties, LLC
Station WALH(AM), Mountain City, GA
Fiscal Year 2009 Regulatory Fee Waiver Request
Fee Control No. RROG-09-00012298

Dear Counsel:

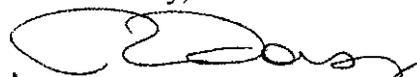
This letter is in response to your request filed on October 19, 2009, on behalf of Tugart Properties, LLC ("Tugart"), licensee of Station WALH(AM), Mountain City, Georgia, for waiver and refund of the \$500.00 fiscal year 2009 regulatory fee ("*Waiver Request*"). Our records show that Tugart has paid the regulatory fee. For the reasons below, we grant your request.

In support of your request, you state that the "station is currently dark."¹ In addition, the attachment accompanying your request states that Station WALH(AM) went silent on March 13, 2009, and the FCC has granted Special Temporary Authority "to remain silent not to exceed March 14, 2010."²

The Commission has determined that the imposition of a regulatory fee could be an impediment to the restoration of broadcast service and therefore will grant "petitions for waivers of the regulatory fees on the grounds of financial hardship from licensees of broadcast stations which are dark (not operating)." *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995). Because Station WALH(AM) was not operating on the date that the fiscal year 2009 regulatory fees were due (*i.e.*, September 22, 2009), we grant your request for waiver and for refund of the fee.

A check in the amount of \$500.00, made payable to the maker of the original check, will be sent to you on the earliest practicable date. 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

¹ *Waiver Request* at 1 (dated October 15, 2009).

² September 23, 2009 Federal Communications Commission Letter to Clair Wofford Frazier.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 1 2010

OFFICE OF
MANAGING DIRECTOR

Dan J. Alpert
2120 N. 21st Road
Arlington, VA 22201

Re: Tugart Properties, LLC
Station WALH(AM), Mountain City, GA
Fiscal Year 2009 Regulatory Fee Waiver Request
Fee Control No. RROG-09-00012298

Dear Counsel:

This letter is in response to your request filed on October 19, 2009, on behalf of Tugart Properties, LLC ("Tugart"), licensee of Station WALH(AM), Mountain City, Georgia, for waiver and refund of the \$500.00 fiscal year 2009 regulatory fee ("*Waiver Request*"). Our records show that Tugart has paid the regulatory fee. For the reasons below, we grant your request.

In support of your request, you state that the "station is currently dark."¹ In addition, the attachment accompanying your request states that Station WALH(AM) went silent on March 13, 2009, and the FCC has granted Special Temporary Authority "to remain silent not to exceed March 14, 2010."²

The Commission has determined that the imposition of a regulatory fee could be an impediment to the restoration of broadcast service and therefore will grant "petitions for waivers of the regulatory fees on the grounds of financial hardship from licensees of broadcast stations which are dark (not operating)." *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995). Because Station WALH(AM) was not operating on the date that the fiscal year 2009 regulatory fees were due (*i.e.*, September 22, 2009), we grant your request for waiver and for refund of the fee.

A check in the amount of \$500.00, made payable to the maker of the original check, will be sent to you on the earliest practicable date. 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

¹ *Waiver Request* at 1 (dated October 15, 2009).

² September 23, 2009 Federal Communications Commission Letter to Clair Wofford Frazier.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAR 1 2010

OFFICE OF
MANAGING DIRECTOR

Dan J. Alpert
2120 N. 21st Road
Arlington, VA 22201

Re: Wagenvoord Advertising Group, Inc.
KLRG(AM), Sheridan, AR
Fiscal Year 2009 Regulatory Fee Waiver Request
Fee Control No. RROG-09-00012167

Dear Counsel:

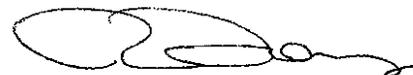
This letter is in response to your request filed on September 23, 2009, on behalf of Wagenvoord Advertising Group, Inc. ("Wagenvoord"), licensee of Station KLRG(AM), Sheridan, Arkansas, for waiver and refund of the \$3,500.00 fiscal year 2009 regulatory fee ("*Waiver Request*"). Our records show that Wagenvoord has paid the regulatory fee. For the reasons below, we grant your request.

In support of your request, you state that the "station is currently dark."¹ In addition, the attachment accompanying your request indicates that the station went silent on March 23, 2009, and the FCC granted Special Temporary Authority "to remain silent not to exceed March 23, 2010."²

The Commission has determined that the imposition of a regulatory fee could be an impediment to the restoration of broadcast service and therefore will grant "petitions for waivers of the regulatory fees on the grounds of financial hardship from licensees of broadcast stations which are dark (not operating)." *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995). Because Station KLRG(AM) was not operating on the date that the fiscal year 2009 regulatory fees were due (*i.e.*, September 22, 2009), we grant your request for waiver and for refund of the fee.

A check in the amount of \$3,500.00, made payable to the maker of the original check, will be sent to you on the earliest practicable date. 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

¹ *Waiver Request* at 1 (dated September 22, 2009).

² September 17, 2009 Federal Communications Commission Letter to Mark L. Acker, President, Metropolitan Radio Group, Inc.

0909019084896588

12167

The Law Office of
Dan J. Alpert

2120 N. 21st Rd.
Arlington, VA 22201
DJA@COMMLAW.TV

(703) 243-8690

(703) 243-8692 (FAX)

September 22, 2009

RECEIVED - FCC

SEP 23 2009

Federal Communications Commission
Bureau / Office

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

Re: **Station KLRG(AM), Sheridan, AR**
Facility No. 14053

Dear Mr. VanRoekel:

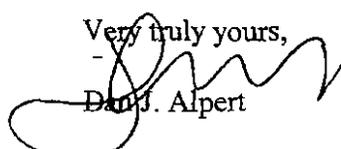
Wagenvoord Advertising Group, Inc., by its attorney, hereby requests a waiver and refund of its 2009 Annual Regulatory Fee. In support thereof, the following is stated.

In the Memorandum Opinion and Order issued with respect to Implementation of Section 9 of the Communications Act, FCC 95-257 (June 22, 1995), the FCC recognized that waiver of the annual Regulatory Fee was appropriate in certain instances, and specifically determined that it would grant waivers to licensees of broadcast stations which are dark (not operating). The Commission recognized that an imposition of regulatory fees could be an impediment to the restoration of broadcast service, and that such it would be unnecessary for such stations to make any further showing to warrant grant of a waiver. Id. at ¶ 15.

Wagenvoord Advertising Group, Inc. is licensee of Station KLRG(AM), Sheridan, Arkansas. The station currently is dark. See Attachment. Accordingly, a waiver and refund of the \$3,500.00 2009 Annual Regulatory Fee that has been paid is appropriate.

WHEREFORE, it respectfully is requested that this request be granted.

Very truly yours,


Dan J. Alpert

Counsel for Wagenvoord Advertising Group, Inc.

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554

SEP 17 2009

IN REPLY REFER TO:
1800B3-DW

Mark L. Acker, President
Metropolitan Radio Group, Inc.
2010 south Stewart
Springfield, MO 65804

In re: KLRG(AM), Sheridan, AR
Facility ID No. 14053
Silent Since March 23, 2009
Request For Special Temporary
Authority To Remain Silent

Dear Mr. Acker:

This letter concerns the request, filed on March 23, 2009, on behalf of Metropolitan Radio Group, Inc. ("MRG"), for Special Temporary Authority ("STA") to permit Station KLRG(AM) to remain silent.

MRG's request states that KLRG(AM) went silent on March 23, 2009, due to transmitter failure. DTS's request includes the appropriate certification regarding Section 5301 of the Anti-Drug Abuse Act of 1988.

MRG's request will be granted. Accordingly, Special Temporary Authority is granted to permit Station KLRG(AM) to remain silent not to exceed March 23, 2010. **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for KLRG(AM) will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m. on March 24, 2010.¹ See Section 312(g) of the Communications Act, 47 U.S.C. Section 312(g).**

The station's silent status does not suspend the licensee's obligation to comply with all other relevant Commission rules, including the filing, when appropriate, of applications for renewal of broadcast license. Finally, we note that it is imperative to the

¹ Notification of resumption of broadcast operations must be electronically filed or mailed to:

Federal Communications Commission
Attn: 1800B3-DW, Room 2-B450
445 12th Street, S.W.
Washington, D.C. 20554