

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 10 2010

FILE

OFFICE OF
MANAGING DIRECTOR

Peter Gold
Senior News Producer
Fuji Television
529 14th Street, N.W.
Washington, D.C. 20045

Re: Fuji Television Network, Inc.
Request for Refund of Fee
Fee Control No. RROG-09-00012866

Dear Mr. Gold:

This letter responds to your request dated June 23, 2010 (*Reconsideration Request*), that the Office of Managing Director (OMD) reconsider its decision denying Fuji Television Network, Inc. (Fuji) a refund of the \$2,410.00 application fee associated with a temporary fixed earth station (*Application*).¹ Our records reflect that you paid the application fee. For the reasons set forth below, we deny your refund request.

You state that Fuji filed the *Application* on December 23, 2008, and on June 3, 2009, after receiving no communication from the Commission in connection with the *Application*, Fuji determined that it no longer needed the license and sent a letter to the Commission requesting that the *Application* be withdrawn.² You assert that Fuji submitted the *Application* “expecting to receive a response from the FCC in a timely fashion” and that it is unreasonable to require Fuji to pay a fee for an application that was not acted upon by the Commission.³ You maintain that the application fee is burdensome given that Fuji “received no services at all from the FCC” and that if Fuji had “received some form of consideration for the fee paid, the amount of the fee might be more acceptable.”⁴

¹ See letter from Mark Stephens, Chief Financial Officer, OMD, FCC, to Yutaka Kumemura (May 20, 2010); see also File No. SES-LIC20081223-01703.

² *Id.*

³ *Id.*

⁴ *Id.*

Our records reflect that on March 4, ²⁰⁰⁹~~2009~~, the Commission found the *Application*, upon initial review, to be acceptable for filing and placed it on Public Notice.⁵ On June 3, 2009, Fuji filed a letter to withdraw the pending *Application*.⁶

Filing fees accompanying requests for the Commission's regulatory services listed in sections 1.1102 through 1.1109 of the Commission's rules are only refundable in the limited circumstances set forth in section 1.1115 of the rules.⁷ None of those circumstances are applicable here. Fuji's decision to withdraw the *Application* was entirely voluntary and provides no basis for a grant of your request. Your assertion that Fuji received no communication from the Commission six months after filing the *Application* and then determined that Fuji no longer needed the license does not constitute the "compelling circumstances" warranting a waiver of the application fee rules. We therefore deny your request for a refund of the application fee on this basis.

With respect to your assertion that the fee is burdensome "in these days of extended economic difficulties for many media organizations," the Commission, in establishing its fee program, recognized that in certain instances payment of a fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its fees in those instances where a petitioner presents a "compelling case of financial hardship."⁸ The Commission has stated that regulatees can establish financial need by submitting:

⁵ See *Public Notice, Satellite Communications Services, Re: Satellite Radio Applications Accepted for Filing*, Report No. SES-01117, 2009 WL 536661 (Mar. 4, 2009).

⁶ See *Letter Public Notice, Satellite Communications Services, Re: Actions Taken*, Report No. SES-01146, 2009 WL 1617140 (June 10, 2009).

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. §1.1119(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).

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

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.⁹

You have submitted no information to support a claim of financial hardship. In the absence of such documentation, we find that you have failed to make a compelling showing that the public interest would be served by a refund of the application fee on the grounds of financial hardship. With regard to your contention that the fee is unwarranted given that Fuji "received no services," it is well-established that "there is 'no justification in the statute or legislative history for apportioning fees in accordance with the actual work done on any particular application.'"¹⁰ We therefore deny your request for refund of the \$2,410.00 application fees.

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

⁹ *Implementation of Section 9 Reconsideration*, 10 FCC Rcd at 12761-62.

¹⁰ *PanAmSat Corporation*, 19 FCC Rcd 18495, 18498 (2004); *see also id.* at 18497 ("consistent with congressional intent and established precedent, application fees are not adjusted to reflect the actual work done on any particular application"); *see also Lockheed Martin Corp.*, 16 FCC Rcd 12805, 12807 (2001) (*Lockheed*); *see also 1987 Report and Order*, 2 FCC Rcd at 949 (stating that "processing costs were but one factor in the rough calculus that resulted in the legislated fees"); *see also Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1985*, 3 FCC Rcd 5987 (1988) (recognizing that "the amount of a fee represents the Commission's estimate, accepted by Congress, of the average cost to the Commission;" declining to "make individualized determinations of the 'appropriate fee,'" although the actual cost may be more or less in individual situations; and indicating an intent to "levy the fee as determined by Congress . . . except in unusual cases in which the public interest requires otherwise.").

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 10 2010

OFFICE OF
MANAGING DIRECTOR

Anne Goodwin Crump, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street, Eleventh Floor
Arlington, VA 22209

Re: J. & J. Fritz Media, Ltd.
FY 2009 Regulatory Fees
Fee Control No. RROG-09-00012823

Dear Ms. Crump:

This is in response to your request filed April 28, 2010 (*Reconsideration Request*), on behalf of J. & J. Fritz Media, Ltd. (J. & J. Fritz), licensee of Stations KNAF(AM), KFAN-FM, KNAF-FM, and KEEP(FM), that the Office of Managing Director (OMD) reconsider its decision denying J. & J. Fritz a waiver of the regulatory fees for Fiscal Year (FY) 2009, on the basis of financial hardship.¹ Our records reflect that you have not paid the \$650.00 regulatory fee for each of the FM stations or the \$575.00 regulatory fee for Station KNAF(AM), for a total of \$2,525.00. For the reasons stated herein, we deny your request.

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."² 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. In denying your request for waiver of the FY 2009 regulatory fees, we found that you provided no financial documentation or relevant showing to establish a compelling case for waiver of the regulatory fees. We therefore denied your waiver request.

¹ See Letter from Mark Stephens, Chief Financial Officer, OMD, FCC, to Ann Goodwin Crump, Esq. (Mar. 29, 2010) (*2010 Letter*).

² See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995) (*Memorandum Opinion and Order*).

Your *Reconsideration Request* does not include the required financial documentation described in the 2010 Letter. Instead, you state that “since the time of its [September 22, 2009] waiver request, J. & J. Fritz filed a voluntary petition for bankruptcy under Chapter 11 with the United States Bankruptcy Court for the Western District of Texas, San Antonio Division (Bankruptcy Court) (*Bankruptcy Petition*).³ You submit a copy of the *Bankruptcy Petition* and a copy of the “United States Bankruptcy Court, Western District of Texas, Order Combined with Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines” (dated March 17, 2010) (*Order*).⁴ The *Bankruptcy Petition* was filed on March 16, 2010.⁵

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.⁶ Based on your own statement that J. & J. Fritz filed for bankruptcy after the date that the FY 2009 regulatory fees were due, *i.e.*, September 22, 2009,⁷ and because you provide no showing documenting financial hardship during FY 2009 prior to your voluntary bankruptcy filing six months later, we deny your request for waiver of the regulatory fees on the grounds of bankruptcy.

Payment of the FY 2009 regulatory fees is now due. The regulatory fees should be filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

Enclosure

³ See *Reconsideration Request* at 1-2.

⁴ *Id.*, Attachments 1 and 2.

⁵ See *Order* at 1.

⁶ See *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995).

⁷ See *Public Notice, FY 2009 Regulatory Fees Due No Later Than September 22, 2009, Eastern Time (ET)*, 24 FCC Rcd 10890 (2009).

ORIGINAL

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

RROG-09-00012823

In the Matter of)
)
J. & J. Fritz Media, Ltd.)
FY 2009 Regulatory Fees)
Fee Control No. RROG-09-00012019)

FILED/ACCEPTED

APR 28 2010

Federal Communications Commission
Office of the Secretary

Directed to: Office of the Secretary
Attention: Office of Managing Director

**PETITION FOR DEFERRAL AND WAIVER OF REGULATORY FEES
AND PETITION FOR RECONSIDERATION**

J. & J. Fritz Media, Ltd. ("Fritz"), licensee of Stations KNAF(AM), KFAN-FM, KNAF-FM, and KEEP(FM), by its attorneys, hereby respectfully requests deferral and waiver of its Fiscal Year 2009 regulatory fees due to financial hardship. Fritz previously submitted, on September 22, 2009, a request for deferral or waiver of such payment, but that request was denied pursuant to a letter from the Commission's Chief Financial Officer, dated March 29, 2010 (the "Letter Decision"). That Letter Decision, however, indicated that, in lieu of payment, Fritz might resubmit its request for relief, together with supporting documentation and a request to defer further payment of the fees, within 30 days of the date of the letter. Accordingly, Fritz is hereby requesting such deferral and waiver of the Fiscal Year 2009 regulatory fees and reconsideration of the Letter Decision.¹ With respect to these requests, the following is stated:

As noted above, Fritz previously requested deferral and waiver of the Fiscal Year 2009 regulatory fees based upon financial hardship. At the time of its waiver request, Fritz was in dire

¹ Consistent with Section 1.1166(c) of the Commission's Rules, Fritz is not submitting payment of its regulatory fees at this time, but rather is requesting that payment of the fees be deferred pursuant to Section 1.1166(c) pending action upon the instant waiver request.

financial straits and found itself unable to both pay its regulatory fees and pay its employees to keep the station operating and serving the public interest. Since the time of its initial request, Fritz has been forced to file a Chapter 11 bankruptcy petition. A copy of that petition is attached hereto, together with a copy of the “Order Combined With Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines” of the United States Bankruptcy Court for the Western District of Texas. Payment of the Fiscal Year 2009 regulatory fees at this time would add a further burden to the station and would be detrimental to all parties concerned, including the public.

The Commission has previously held that a corporate reorganization under Chapter 11 bankruptcy is, by itself, a demonstration of sufficient financial hardship to justify waiver of regulatory fees. *Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, 10 FCC Rcd 12759, 12761-62 (1995), (stating that “[e]vidence of bankruptcy or receivership is in and of itself sufficient to establish financial hardship”). Further, in implementing the regulatory fees for the fiscal year in question here, Fiscal Year 2009, the Commission stated that it “accepts as evidence of financial hardship that licensees’ stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership....The current financial hardship standards have proven useful as bright line tests that can be administered predictably.” *Assessment and Collection of Regulatory Fees for Fiscal Year 2009*, FCC 09-62, released July 31, 2009, at ¶30. The Commission additionally indicated that it did “not intend to change these standards at this time.” Thus, the Commission has a long-standing policy, which has specifically been considered in connection with Fiscal Year 2009 regulatory fees and is still in place, that the fact that stations are in bankruptcy, with the licensee

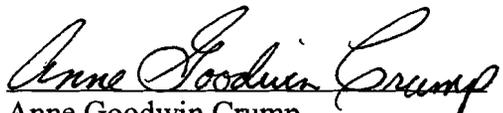
undergoing a Chapter 11 reorganization, demonstrates adequately that payment of regulatory fees would create a financial hardship, and that waiver of such fees is warranted.

Moreover, a waiver of the regulatory fees would serve the public interest by allowing Fritz to conserve its limited resources. This preservation of assets would not only enable Fritz to maintain its service to the public through the operation of its stations but also would protect the interests of its creditors.

WHEREFORE, the premises considered, Fritz hereby respectfully requests that payment of its Fiscal Year 2009 regulatory fees be deferred pending consideration of this request and that those fees be waived.

Respectfully submitted,

J. & J. FRITZ MEDIA, LTD.

By: 
Anne Goodwin Crump

Its Attorney

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 N. 17th Street - Eleventh Floor
Arlington, Virginia 22209
(703) 812 -0400

April 28, 2010

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 10 2010

OFFICE OF
MANAGING DIRECTOR

Mark P. Lesniak, Esq.
Leibowitz & Associates, P.A.
Suite 880
4400 Biscayne Blvd.
Miami, FL 33137

Re: NM Licensing, LLC
Request for Waiver of Application Fees
Fee Control Nos. 10012790897671,
0912219089891801, 1001279097897530,
0912219097891795, and 1001069097893882

Dear Mr. Lesniak:

This letter responds to your request filed February 23, 2010 (*Request*), on behalf of NM Licensing, LLC (NextMedia) for waiver of application fees on the grounds of bankruptcy. Our records reflect that NextMedia paid the \$40,780.00 application fees at issue. For the reasons stated herein, we grant your request.

You say that on December 21, 2009, NextMedia and its affiliated entities filed for bankruptcy under Chapter 11 with the United States Bankruptcy Court in Delaware (Bankruptcy Court) and are in Debtor-in-Possession status.¹ You state that on December 21, 2009, NextMedia filed an application to assign its 36 broadcast licenses to NM Licensing, LLC Debtor-in-Possession (NM DIP), along with \$4,860.00 in filing fees.² On January 27, 2010, NextMedia filed applications to assign the broadcast licenses from NM DIP to NextMedia, along with \$33,840.00 in filing fees.³ On December 21, 2009, NextMedia filed an application to assign Microwave Industrial/Business Pool licenses WNEY896 and WNTB824 (microwave licenses) from NextMedia to NM DIP, along with \$520.00 in filing fees.⁴ On January 6, 2010, NextMedia filed an application to renew the microwave licenses.⁵ On January 27, 2010, NextMedia filed an application to

¹ See *Request* at 1, Attachments.

² *Id.*, Attachment 2 at 1.

³ *Id.*, Attachment 1 at 1.

⁴ *Id.*, Attachment 5 at 1.

⁵ *Id.*, Attachment 6 at 1.

assign the microwave licenses from NM DIP, along with \$520.00 in filing fees, and withdrew the applications immediately thereafter.⁶ On January 27, 2010, NextMedia filed an application to assign the microwave licenses from NM DIP to NextMedia, along with \$520.00 in filing fees.⁷ You submit a copy of the voluntary petition for Chapter 11 bankruptcy protection filed by NextMedia Group (*Bankruptcy Petition*).⁸ You state that "NextMedia's ownership was changed almost entirely [when it] emerg[ed] from bankruptcy [on May 27, 2010] and is almost completely owned by its former creditors."⁹

Section 1.1117 of the Commission's rules, 47 C.F.R. §1.1117, provides that filing fees may be waived upon a showing of good cause and a finding that the public interest will be served thereby.¹⁰ Section 1.1117(e) of the rules, 47 C.F.R. §1.1117(e), requires an applicant seeking a waiver of the filing fee requirement to include the applicable fee with its waiver request, and also provides that the fee will be returned if the waiver is granted.¹¹ We find that the *Bankruptcy Petition* substantiates Next Media's claim of financial hardship and demonstrates good cause for waiver of the filing fees.¹² Therefore, your request for a refund of the application filing fees is granted.

A check, made payable to the maker of the original check, and drawn in the amount of \$40,780.00, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

⁶ *Id.*, Attachment 4 at 1.

⁷ *Id.*, Attachment 3 at 1.

⁸ Email from Mark Lesniak to Joanne Wall (July 19, 2010), Attachment.

⁹ *Id.*

¹⁰ *See 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).

¹¹ *See also id.*

¹² *See MobileMedia Corporation*, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause for waiver of filing fee).

FEB 23 2010



LEIBOWITZ & ASSOCIATES, P.A.

FCC Mail Room

MATTHEW L. LEIBOWITZ
JOSEPH A. BELISLE
MARK P. LESNIAK
(Admitted only in NY)

SUITE 880
4400 BISCAYNE BOULEVARD
MIAMI, FLORIDA 33137

TELEPHONE (305) 530-1322
TELECOPIER (305) 530-9417
E-MAIL Firm@broedlaw.com

February 19, 2010

Steven VanRoekel
Managing Director
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

12799
10012790897671

Re: Requests for Refund for NM License, LLC

Dear Mr. VanRoekel:

Please find enclosed with this letter six separate requests for refunds for filing fees totalling \$40,780. On December 21, 2009, NextMedia and its affiliated entities filed for bankruptcy protection under Chapter 11 of the U.S. Bankruptcy Code and are now in Debtor-in-Possession status.¹ NextMedia requests that you refund the \$40,780 it paid in connection with the applications described in the attached refund requests because of financial hardship suffered by the company.² NextMedia also submits that refunding these fees is consistent with the FCC's policy to preserve the assets of licensees in bankruptcy.³

The applications and correlating fees are:

File No.	Fees Paid
BALH-20100127AER	\$33,840.00 - 10012790897671 - Pd
BALH-20091221ADX	\$4,860.00 - 09122190897891801 - Pd
0004100994	\$520.00 - 1001279097897530 Pd
0004065141	\$520.00 - 0912219097891795 Pd
0004106339	\$520.00 - 1001279097897530 Pd
0004083852	\$520.00 - 1001069097893882 Pd

¹ The Bankruptcy Petition was filed under Case No. 09-14463-PJW in the U.S. Bankruptcy Court for the District of Delaware.

² See *MobileMedia Corp.*, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause for waiving filing fees).

³ See *La Rose v. FCC*, 494 F.2d 1145 (D.C. Cir. 1974) (recognizing the public interest in preserving the assets of the bankrupt licensee for innocent creditors).

Thank you for your assistances with this matter. Please do not hesitate to contact me if you have any questions or require any additional information.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'M' followed by a horizontal line that extends to the right and then curves back down to the left.

Mark Lesniak
(Admitted only in New York)

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 10 2010

OFFICE OF
MANAGING DIRECTOR

Rodrigo Garcia, District Manager, Fiscal Affairs
North Orange County Community College District
1830 W. Romneya Drive, Eighth Floor
Anaheim, CA 92801-1819

Re: North Orange County
Community College District
Fiscal Year 2009 Regulatory Fee
Fee Control No. 1004209088387006

Dear Mr. Garcia:

This is in response to your request filed on behalf of North Orange County Community College District (North Orange) for waiver of the \$195.00 penalty for late payment of the \$780.00 fiscal year (FY) 2009 regulatory fee (*Request*). Our records reflect that North Orange paid the FY 2009 regulatory fee and the late payment penalty. For the reasons set forth below, we deny your request.

You assert that you received the original invoice "so late [*i.e.*, on September 16, 2009] . . . because . . . [the Commission's] records have the incorrect address for our organization."¹ You claim that the "only reason payment was late was due [to] the incorrect address in [the Commission's] records."² You state that you "have subsequently made all necessary changes to rectify this error."³

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.⁴ 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.⁵ North Orange paid the regulatory fee on September 25, 2009,

¹ *Request* at 1.

² *Id.*

³ *Id.*

⁴ 47 U.S.C. §159(c)(1).

⁵ 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*,

after the September 22, 2009, deadline for filing regulatory fees, and therefore failed to meet this obligation.

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.⁶ 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.”⁷

With respect to your assertion that the FCC’s records contained an incorrect mailing address for North Orange, the FCC Registration Number (FRN) information (including the entity’s address) in the FCC database regarding the licensee was supplied by North Orange. The Commission requires entities such as North Orange to keep FRN information current either by updating the information on-line at the CORES link at www.fcc.gov or by filing FCC Form 161.⁸ We therefore find that you have not presented circumstances sufficient to mitigate North Orange’s responsibility as a licensee 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 fees for North Orange.

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).

⁶ *Id.*

⁷ 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).

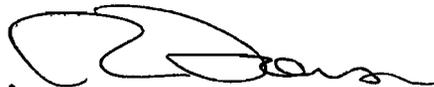
⁸ See 47 C.F.R. §1.8002(b)(2); see also *Amendment of Parts 1, 21, 61, 73, 74 and 76 of the Commission’s Rules, Adoption of a Mandatory FCC Registration Number, Report and Order*, 16 FCC Rcd 16138 (2001).

Rodrigo Garcia, District Manager

3.

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

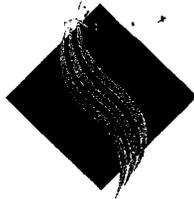
Sincerely,

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

Mark Stephens
Chief Financial Officer

10

1004209088387006



NORTH ORANGE COUNTY
COMMUNITY COLLEGE DISTRICT

RODRIGO L. GARCIA, CPA
*District Manager
Fiscal Affairs*

CLAUDETTE E. DAIN, CPA
*District Director
Fiscal Affairs*

FRED WILLIAMS, CPA
*Vice Chancellor
Finance & Facilities*

To whom it may concern,

I am writing this letter to appeal the assessed penalty for late regulatory fees. We received the original invoice (FRN# 0011086485) for \$780 on September 16, 2009 and a check was cut and sent via postal services on September 22, 2009. The reason that we received the invoice so late was because your records have the incorrect address for our organization. The only reason we found out we had incurred a penalty was because we were in the process of renewing our radio license and we were told that we would not be able to renew it until we paid the penalty. We are in the process of paying this penalty, but I am requesting a refund of this penalty due to the fact that the only reason payment was late was due the incorrect address in your records. We have subsequently made all necessary changes to rectify this error. I have attached a copy of the original invoice with a copy of the check as well as a copy of the penalty invoice that was faxed to us. If you have any further questions please feel free to contact me at (714) 808-4750. Thank you for your time.

Rodrigo Garcia

District Manager, Fiscal Affairs

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 10 2010

OFFICE OF
MANAGING DIRECTOR

Mr. Charles E. Harder
Peoples Network, Inc.
571 NW McClurg Court
White Springs, FL 32096

Re: Peoples Network, Inc. ✓
Station WJWB
FY 2009 Regulatory Fee
Fee Control No. RROG-09-00012844

Dear Mr. Harder:

This letter responds to your request dated June 1, 2010 (*Reconsideration Request*), that the Office of Managing Director (OMD) reconsider its decision denying Peoples Network, Inc. (Peoples) a waiver of the Fiscal Year (FY) 2009 regulatory fee.¹ Our records reflect that Peoples has not paid the \$400.00 FY 2009 regulatory fee. For the reasons stated herein, we find that Peoples is exempt from paying the FY 2009 regulatory fee.

You state that you “are negotiating with the IRS to reduce our tax levy . . . as we have not taken in a dime since 2007.”² You assert that “[w]ith application and engineering we are easily at the \$10,000.00 point.”³ You submit a copy of People’s Internal Revenue Service Form 990, *Return of Organization Exempt Form Income Tax* for 2006 and 2008.⁴

The Commission’s rules provide that entities that qualify as tax-exempt, nonprofit organizations under section 501 of the Internal Revenue Code are exempt from the requirement to pay regulatory fees.⁵ We have confirmed with the Internal Revenue Service that Peoples has been a tax-exempt, nonprofit entity under section 501(c)(3) of the Internal Revenue Code since 1989, including throughout fiscal year 2009. Accordingly, Peoples is exempt from paying FY 2009 regulatory fee.

¹ See letter from Mark Stephens, Chief Financial Officer, OMD, FCC, to Charles E. Harder (Apr. 22, 2010).

² *Reconsideration Request* at 1.

³ *Id.*

⁴ *Id.*, Attachments.

⁵ 47 C.F.R. §1.1162(c).

Section 1.1162(c)(1) of the Commission's rules, 47 C.F.R. §1.1162(c)(1) requires licensees who claim:

an exemption from a regulatory fee based upon its status as a nonprofit entity to file with the Secretary of the Commission (Attn: Managing Director) written documentation establishing the basis for its exemption within 60 days of its coming under the regulatory jurisdiction of the Commission or at the time its fee payment would otherwise be due, whichever is sooner, or at such other time as required by the Managing Director. Acceptable documentation may include Internal Revenue Service determination letters, state or government certifications or other documentation that non-profit status has been approved by a state or other governmental authority. Applicants, permittees and licensees are required to file documentation of their nonprofit status only once, except upon request of the Managing Director.

Our records reflect that Peoples has not filed with the Commission written documentation establishing its status as a nonprofit entity. We require that Peoples file the written documentation required by section 1.1162(c)(1) of the rules within 30 days of the date of this letter. You should note that Peoples is under a continuing obligation to report to the Commission any changes that could affect Peoples's qualification for this fee exemption, such as a change in corporate status or IRS determination.⁶ You should retain this letter and submit a copy of it with any future correspondence with the Commission concerning regulatory fees for Peoples.

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

⁶ 47 C.F.R. §1.1162(c)(2).

RR06-09-000/2844

Received & Inspected

JUN - 12010

FCC Mail Room

Charles Harder
571 NW McClurg Court
White Springs, FL 32096 386 397-4489
charder@windstream.net

RECEIVED

JUN - 12010

Financial Operations
Center

Letter of Transmittal to: Mr. Mark Stephens, FCC

Dear Mr. Stephens:

Enclosed is the petition I files some time ago with supplemental information.

At this time we are negotiating with the IRS to reduce our tax levy down to \$1,000.00 as we have not taken in a dime since 2007 and the filings. I could not accept donations or grants with the liens in place so the IRS and the improper liens that were political are expected to go away. We have some interested parties that wish to work with us in the future.

As far as my claim that we have spent thousands of dollars please remember that just the filing fee for a new AM is \$3,700.00. In the case of 700 AM WJWB we spent thousands on tracking the radials from 710 in Miami and paid to get research done for a waiver for a non-existent Cuban station. With application and engineering we are easily at the \$10,000.00 point. I have had some business failures due to my health. I no longer drive as I have blackouts and don't want to hurt an innocent person on the roads. Several weeks ago I received a bill for \$400.00 and filled out the form and used my credit card and sent it to the address in the Midwest. I will raise funds after the IRS matter is concluded and ask for an extension of any open amounts until then.

Please help me. With the stroke a pen you could give us a chance to recover some of our time and effort. That would create jobs and cost the government NOTHING. While the USA pays Billions to people with Golden Parachutes and \$400,000.00 parties all we ask is an extension for both stations. Please . . .

Respectfully submitted,



Charles Harder

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION

Petition For Reconsideration SUPPLEMENTAL

RE: BNP-20050118ABJ WJFA Hilliard, Florida

Filed by; Charles E. Harder, Pro Se
571 NW McClurg Court
White Springs, FL 32096
386 397-4489 charder@windstream.net

To the Honorable Secretary and Commissioners of the FCC:

I am asking you to approve the transfer from the Dianne Mayfield Harder Trust to me that was filed earlier in 2009 and then dismissed as MOOT on December 16, 2009. Please note that no written notice was ever given to me and that I became aware of the dismissal due to a friend who happened to come across the public notice while searching for other data. Although the fees were paid and accepted by the FCC I was never provided an opportunity to cure or explain the fact that it was filed a few hours late.

Attached you will find a list of the 14 times an ambulance came to my home in response to a serious medical problem. I am disabled and confined to a wheelchair for life. With my current conditions I have good days and other times I remain in bed for days at a time. My wife who is Dianne Mayfield Harder was in decent health when we first filed. However she now has COPD and is on oxygen and like me, housebound. Neither one of us now

drive and we have a special van with hydraulic wheelchair lift that we use and someone drives us to the Doctor. Our groceries are delivered by family with our Daughter coming each evening to fix us meals.

Prior to filing we anticipated getting financing and we purchased two used RCA 50KW Ampliphase transmitters that are in a warehouse. We also bought enough gear for 3 control rooms and also automation systems for music. We also bought an adjustable 1-5 KW transmitter from WLS in Chicago plus a 1 KW ITA currently stored in my living room.

At present we have towers that are dismantled sitting in storage.

At the time of application we were speaking with several financing sources and were sure of being able to fund the stations. At the time we had good credit and our homes and land are all paid for free and clear. Mr. Frank Boyle was recruited to explore financing and other potentials. Then in 2006 the economy tanked. Wachovia Bank that we were counting on was gobbled up by another and the staff we knew are all gone. The broadcast finance operations disappeared with the change of ownership of the bank. Our other source on Wall Street closed after the crash and the executives were all fired.

WE WERE LATE FILING DUE TO MY HEALTH

From the list of ambulance arrivals at my home and my Doctor's letter you

will see that I am still trying to recover from a heart attack, heart surgery and many small strokes. I do not remember 2008 and I know that someone told me that we had to take action on WJFA and we hired Tom McCoy to assist. Mr. McCoy should be well known to the FCC as an attorney practicing FCC Laws. When a friend told me we had to act I contacted Mr. McCoy to do the necessary and as well as I know we did.

I also enlisted the aid of Mr. Frank Boyle, noted broker to assist us in any fashion he could accomplish.

This is a crushing blow to me as I have been working on 830 for over ten years. The first filing was in Flagler County and then it sat unacted upon and when the window re-opened we dismissed that application and filed the new one for Hilliard and WJFA. My health got worse and worse after 2005 and the attached documents show that. At long last we believe that we can move forward on WJFA and beg the commission to grant the transfer due to my obvious health hardship. That hardship was acknowledged by the US Federal Government when I was awarded Social Security Disability in 2007. That SSD was granted after a year of tests and examinations went by and was awarded in the Fall of 2007.

Attachments: A. Letter from Dr. Fanney
B. List of Ambulance arrivals at my home.
C. Letter From Frank Boyle, Broker

I currently have all necessary equipment to build 830 AM on a lower power basis to begin radio service. My consultant is Clarence Beverage of Commtek RF in Marlton, New Jersey who will assist me once the FCC allows the grant to continue.

Last, the FCC conducted a Workshop on Financing January 12 which did acknowledge how difficult it was to gain normal financing as before the "crash" of the economy. I think it would only be fair if the commission thus granted a 3 year extension to those holding Construction Permits who have been unable to obtain financing that they relied upon when filing in 2005.

Respectfully submitted,

Charles E. Harder, Pro Se

A handwritten signature in black ink, appearing to be 'C. Harder', written over the typed name.

**Before the
Federal Communications Commission
Washington, DC 20554**

In the matter of:)
)
Peoples Network)
Construction Permit for)
WJWB Gibsonia, Florida)
BNP-20050118ACY)

BNP-20050118ACY
Facility #: 16042 CDBS ID: 1133197
700 KHz AM WJWB CP

**~~Petition For Extension/Enlargement of Time~~
Pursuant to Section 1.106 of FCC rules/Regulations**

1. This petition will not cost the US Government a penny but will act to preserve and create jobs and income for the people so affected. It will also preserve the time and cost of creating the Construction Permits as noted herein. Granting this Petition is a **Win-Win** for all parties.

2. The original construction permit was granted in 2007 after your petitioner spent many years and uncountable thousands of dollars to engineer and obtain the CP. Sadly, it was granted just as the economy went into a deep recession for which there is little hope of a quick recovery. The financing sources that were in place in 2005/07 are now gone. Example: Mr. Bishop Sheen handled broadcast loans

at Wachovia bank where we expected the financing of the station. However today Wachovia Bank is gone and he no longer has a job there. Indeed, the FCC held a workshop on February 9/2010 to confront the issues of no financial help available now that used to be a "given" until the Recession moved into high gear. There is no end in sight. This fact has been broadcast on C-Span wherein Mr. David M. Walker former chief of the OMB and former Federal Reserve chair Alan Greenspan both testified that it could take more than five years for the economy to recover. **If then.**

3. Shortly after the FCC Grant was issued the US Internal Revenue Service (IRS) filed improper tax liens against your petitioner that were the result of an improper political audit of our non-profit starting in 1992 as directed by Hillary Clinton to her appointed head of the IRS Margaret Milner Richardson. Ms. Richardson resigned after the scandal broke and it was covered in two major books: **AMERICAN EVITA** by New York Times best-selling author Christopher Anderson and **FIRST PARTNER** published by William Morrow and Co. and written by noted biographer Joyce Milton. Landmark Legal Foundation and other noteworthy organizations either went to court to get information or from inside sources and the story was published in

several national magazines. Currently negotiations of these liens are ongoing with the IRS by our counsel but they eliminated any possibility of financing. We are now working to get those liens lifted. As they were in force shortly after the FCC grant they made it impossible to get any form of financing that we counted on. (Exhibit A and B)

4. We are not alone. It is common knowledge that there is zero financial help available anywhere for the broadcast industry. The usual sources are either bankrupt or simply closed as several Wall Street firms that financed broadcasting are now shuttered. I encourage any that doubt me to contact veteran broker and broadcaster Mr. Frank Boyle in Connecticut at 203 377-3030.
5. We are not alone – I request that the FCC should grant **an 18 month extension** to all those who have active construction permits to preserve the potentials of new jobs and recovery. A procedural denial of those with active CP's or silent stations is simply wrong as they need a chance to "hang on" to what they have invested their life savings into. It's only fair. The US Government bailed out AIG where the former chief is getting a 3.9 million "golden parachute" but other taxpayers are not so lucky. THIS IS WRONG! PLEASE, PLEASE

STOP DESTROYING HONEST PEOPLE WHO ABIDED BY YOUR RULES WHO ARE NOW BROKE DUE TO THE ECONOMY. This is NOT FAIR. While the US spends billions on others this worthwhile Petition costs NOTHING to grant and is the right thing to do. Just a an office action with public notice costs all not one penny..

6. While the FCC with a stroke of the pen can delete CP's **there is no good in that.** Funds will be wasted along with the prospect of new employment will vanish due to a bureaucratic action. **That is wrong!** Given more time for these stations to be built will create jobs. Your actions are killing potential jobs and prospective advantage of all parties and goes against the word of the Obama administration actions.

SUMMARY

Watching the FCC, I see many actions where the FCC enlarged time for various filings such as ownership reports. Why not preserve the capital, time and energy that present CP holders have expended. Give us all a chance to recover with the distressed economy. Those who followed the rules to get a CP are not guilty of any crime. Yet denial of their CP due to time running out is the same as if they were prosecuted and fined for doing a criminal act. That is not true and your good offices need to preserve those who followed the rules, paid the fees and now suffer due to

the horrid economy. Please, please be fair to us as your government has been more than fair with TARP money and bailouts to the elite Please !

Respectfully submitted,



Charles E. Harder, Founder – Peoples Network, Inc.
571 NW McClurg Court
White Springs, Florida 32096 386 397-4489 charder@windstream.net

April 6, 2010 by Express Mail

Enclosures:

<u>Quantity</u>	<u>Description</u>
4 DVD	Interview with Christopher Anderson the author of <u>AMERICAN EVITA</u> tells of improper IRS Audits of Peoples Network, Inc.
4 Re-Print	4 Pages of <u>FIRST PARTNER</u> (by Permission)
4	Letter from Frank Boyle
4 Copies A&B	Recorded IRS Tax Liens