

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 10 2010

OFFICE OF  
MANAGING DIRECTOR

Meyer Gottesman, President  
Rehoboth Beach Communications, Inc.  
1212 Gray Highway, Suite 1009  
Macon, GA 31211-1977

Re: Rehoboth Beach Communications, Inc.  
Fiscal Year 2009 Regulatory Fee Waiver Request  
Fee Control No. RROG-09-00012376

Dear Mr. Gottesman:

This letter is in response to your request dated November 10, 2009, on behalf of Rehoboth Beach Communications, Inc. ("Rehoboth") for waiver of the penalty charged to it for late payment of its Fiscal Year ("FY") 2009 regulatory fees ("*Waiver Request*"). Our records show that Rehoboth's payment of \$500.00 for FY 2009 regulatory fees was not paid when due (*i.e.*, September 22, 2009), thus Rehoboth was assessed a late payment penalty of \$125.00, bringing the total amount due to \$625.00. For the reasons below, we deny your request for waiver.

In support of your request, you state that Rehoboth is "requesting a waiver of the late fee on compassionate grounds" because the "station has not earned any money since we purchased it in September 2008."<sup>1</sup>

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995). Regulatees can establish financial hardship by submitting:

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

10 FCC Rcd at 12762.

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<sup>1</sup> *Waiver Request*.

Meyer Gottesman, President  
Page 2

In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, to determine whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public. Thus, even if a station loses money, any funds paid to principals, as well as deductions for depreciation and amortization and similar items that do not affect cash flow, are considered funds available to pay the fees.

In the absence of such documentation, or other relevant showing, you have failed to establish a compelling case for relief. Therefore, your request for waiver is denied. Payment of the FY 2009 regulatory fee in the amount of \$500.00, plus a penalty of \$125.00 for late payment of the regulatory fee, is now due. The regulatory fee and the late charge penalty (*i.e.*, \$625.00) should be filed with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. However, insofar as you may be relying on financial hardship, in lieu of payment, you may re-file the request for relief together with appropriate supporting documentation and a request to further defer payment of the fee, within 30 days from the date of this letter.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Stephens", written over a horizontal line.

Mark Stephens  
Chief Financial Officer

Enclosure

Rehoboth Beach Communications, Inc.  
1212 Gray Highway, Suite 1009  
Macon, Georgia 31211-1977  
Tel: (478) 741-1710.

November 10, 2009

Federal Communications Commission  
Office of the Managing Director  
445 12<sup>th</sup> Street, SW -Room 1-A625  
Washington, DC 20554

12376  
RROG-09-00012376

Dear Sirs:

This is in reference to our annual reg. fee due by September 22, 2009 for \$500.00

This refers to AM radio station WCHM, Clarkesville, Georgia.

Our FRN is 0014960215. I am the President of the licensee corporation.

Our Federal tax ID number is 760795535.

We are respectfully requesting a waiver of the late fee on compassionate grounds. Our station has not earned any money since we purchased it in September of 2008. The late fee is \$125.00

We are attempting to sell the station as soon as possible at a terrible loss. We have lost about \$100,000 since we purchased the station.

I have not drawn any salary since we formed the corporation on July 1, 2005. We are a Delaware subchapter "S" corporation with permission from the GA Sec. of State to operate in Georgia.

Everything above is stated under penalty perjury.

Should you wish the name and account <sup>OF</sup> number of our bank. please advise and I will furnish that data.

Yours truly,



Meyer Gottesman, President Rehoboth Beach Communications, Inc. (dba WCHM Radio)

mg:MG

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 10 2010

OFFICE OF  
MANAGING DIRECTOR

Doug Barton, Owner  
Mid-Utah Radio, Inc.  
Post Office Box #40  
Manti, Utah 84642

Re: Sanpete County Broadcasting Co. and  
Mid-Utah Radio, Inc.  
Fiscal Year 2001 Regulatory Fees  
Fee Control No. RROG-09-00011608

Dear Mr. Barton:

This is in response to your request filed March 18, 2009 (*Request*), on behalf of Sanpete County Broadcasting Co. (Sanpete) and Mid-Utah Radio, Inc. (Mid-Utah), for waiver of the penalties for late payment of fiscal year (FY) 2001 regulatory fees. Our records reflect that you paid the FY 2001 regulatory fees at issue, but not the \$631.25 and \$457.50 late payment penalties for Sanpete and Mid-Utah, respectively. For the reasons set forth below, we deny your request.

You assert that the first time that you received notice of the penalties was in two letters dated February 20, 2009, seven years after the regulatory fees were due.<sup>1</sup> You claim that you have no reason to believe that the fees were paid late because you have always paid them on time and employ an attorney to do so.<sup>2</sup> You aver that “[y]ou have no memory of or records available to prove that the fees were payed [*sic*] in a timely manner.”<sup>3</sup> You contend that it would be a “serious financial hardship” to pay the penalties.<sup>4</sup>

Your request for waiver of the FY 2001 late payment penalties was not filed with the Commission until long after the close of the fiscal year in question and, therefore, does not provide a basis for relief or otherwise warrant any further consideration. Accordingly, we deny your request for a waiver of the late payment penalties.<sup>5</sup>

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

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

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

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

<sup>5</sup> See Letter from Mark A. Reger, Chief Financial Officer (CFO), Office of Managing Director (OMD), FCC, to Rodney L. Joyce, counsel for Network Access Solutions

Even if your request had been filed with the Commission in a timely manner, we find no basis in the arguments you raise for granting your request.

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.<sup>6</sup> 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.<sup>7</sup> You paid the regulatory fees for Sanpete and Mid-Utah on October 3, 2001, after the September 26, 2001, 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](http://www.fcc.gov). For the FY 2001 regulatory fees, the Commission announced a September 21, 2001, filing deadline in the *2001 Report and Order*, which the Commission subsequently extended to September 26, 2001, in the *Public Notice*, which it posted on its web site.<sup>8</sup>

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Corporation (Aug. 11, 2004) (denying untimely request for regulatory fee relief for FYs 2000 and 2001 because the request was filed on April 2, 2004, “long after the fiscal years in question”); Letter from Mark A. Reger, CFO, OMD, FCC, to C. Michael Curry, Vice President, Hispanic Keys Broadcasting Corp (dated Aug. 27, 2002) (denying untimely request for regulatory fee relief for FYs 1997, 1998, and 1999 because the request was filed on March 14, 2002, “long after the fiscal years in question”). We point out that the untimeliness in the instant matter is comparable to that in these cited cases.

<sup>6</sup> 47 U.S.C. §159(c)(1).

<sup>7</sup> See 47 C.F.R. §1.1164; see also *Assessment and Collection of Regulatory Fees for Fiscal Year 2001, Report and Order*, 16 FCC Rcd 13525, 13537 (2001) (*2001 Report and Order*) (stating that “[a]s required in 47 U.S.C. 159(c), an additional charge shall be assessed as a penalty for late payment of any regulatory fee. A late payment penalty of 25 percent of the amount of the required regulatory fee will be assessed on the first day following the deadline date for filing of these fees.”); *Public Notice, Extension of Fiscal Year 2001 Regulatory Fee Filing Window*, 2001 WL 1078406 (Sept. 17, 2001) (extending the FY 2001 regulatory fee filing window to September 26, 2001, and reminding regulatees of the penalty for late payment).

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

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.”<sup>9</sup> You have not presented circumstances sufficient to mitigate your responsibility as a licensee to apprise yourself of your obligation to pay the FY 2001 regulatory fees by the announced deadline of September 26, 2001.

With respect to your statement that the penalty is a serious financial hardship for Sanpete and Mid-Utah, 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 2001 regulatory fee and provide no documentation that would support such a request.<sup>10</sup> Accordingly, we deny your request for waiver of the penalty for late payment of the fiscal year 2001 regulatory fees.

Payment of the \$631.25 and \$457.50 late payment penalties for Sanpete and Mid-Utah, respectively, is now due. The penalty should be submitted, together with a Form 159 (copy enclosed), within 30 days of the date of this letter. If you have any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens  
Chief Financial Officer

Enclosure

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<sup>9</sup> 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).

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



1600 West 500 North P.O. Box #40 Manti, UT 84642 Phone: 435.835.7301 Fax: 435.835.2250

### FAX COVER SHEET

TO: Shelley Sadowsky FAX NO: \_\_\_\_\_

FROM: Doug DATE: 3/18/09

RE: \_\_\_\_\_ PAGES: \_\_\_\_\_

Copy of Penalty Letters  
& Sample E-Mail.



dougb@midutahradio.com Printed: 3/18/2009 11:05:28 PM

**From:** "Doug Barton" <dougb@midutahradio.com>  
**To:** "sadowskys" <sadowskys@dicsteinshapiro.com>  
**Subject:** Waiver Request  
**Date:** Wed, 18 Mar 2009 23:04:53 -0700

3/18/09

Recently I received an Urgent notice of a final demand for payment of a past due bill for a late penalty fee for Spectrum Fees from 2002. The notice was dated 2/19/09 but I just received it about 5 days ago.

With all due respect to the FCC, I am requesting a waiver of the Penalty Fees for Sanpete County Broadcasting Co. (FRN # 0007355449) Bill # 200299167 in the amount of \$631.25 and for Mid-Utah Radio, Inc. (FRN # 0005759329) Bill # 200299165 in the amount of \$457.50.

The reason for this waiver request is due to the fact that this is the first I have received any notice of this penalty which dates back seven years to 2002.

I have no reason to believe that these Spectrum Fees were payed late because I have always payed them in a timely manner and I employ an attorney to prepare and pay the fees for our company's. Seven years after the fact, I have no memory of or records available to prove that the fees were payed in a timely manner. Also, in light of the poor economy, it would place a serious financial hardship on our Radio Stations to be required to pay these penalty fees at this time. Therefore, I respectfully request a waiver of the Penalty Fees.

Sincerely,

Douglas L. Barton  
President : Sanpete County Broadcasting Co.  
General Manager: Mid-Utah Radio, Inc.

Doug Barton / Owner

Mid-Utah Radio, Inc.  
PO Box #40  
Manti, Utah 84642

KMTI - KLGL - KMGR - KSVC - KCYQ

Mobile: 435-340-1075  
Office: 435-835-7301  
Fax: 435-835-2252

e-mail: doug@kmtiradio.com

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 10 2010

OFFICE OF  
MANAGING DIRECTOR

Brian M. Madden, Esq.  
Lerman Senter PLLC  
2000 K Street, N.W., Suite 600  
Washington, D.C. 20006-1809

Re: Station KDXN, South Heart, North Dakota  
FY 2009 Regulatory Fees  
Fee Control No. RROG-09-00012745

Dear Mr. Madden:

This letter responds to your request dated March 22, 2010 (*Request*) and amended on July 12, 2010,<sup>1</sup> on behalf of Michael L. Wagner, Chapter 7 Trustee for Western Edge Media, LLC (the Trustee), for waiver of the fiscal year (FY) 2009 regulatory fees associated with unbuilt Station KDXN(FM), South Heart, North Dakota. Our records reflect that the \$650.00 FY 2009 regulatory fee has not been paid. For the reasons stated herein, we grant your request.

You state that on August 31, 2009, Western Edge Media, LLC (Western Edge) filed a voluntary petition for bankruptcy under Chapter 7 with the United States Bankruptcy Court for the District of North Dakota (*Bankruptcy Petition*).<sup>2</sup> You say that the Bankruptcy Court entered an order on March 16, 2010, effective from and after August 31, 2009, appointing the Trustee to administer Western Edge's estate (*Notice of Appointment of Trustee*).<sup>3</sup> You state that both the date of the *Bankruptcy Petition* and the effective date of the Trustee's commencement of administration of the estate pre-date the date the FY 2009 regulatory fees were due, *i.e.*, September 22, 2009.<sup>4</sup> You submit a copy of the *Bankruptcy Petition* and the *Notice of Appointment of Trustee*.<sup>5</sup>

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<sup>1</sup> See email from Brian Madden to Joanne Wall (July 12, 2010) (*July email*).

<sup>2</sup> See *Request* at 1 and *July email* at 1.

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

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

<sup>5</sup> *July email*, Attachments.

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.<sup>6</sup> Based on the evidence that you provide that Western Edge was in bankruptcy on the September 22, 2009, due date for filing FY 2009 regulatory fees,<sup>7</sup> including the *Bankruptcy Petition*, we grant Western Edge a waiver of the FY 2009 regulatory fee.<sup>8</sup>

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

Sincerely,



Mark Stephens  
Chief Financial Officer

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

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

<sup>8</sup> You also request removal of the red light designation in the Commission's records with respect to Western Edge. Please note that we will address this matter separately from your fee waiver request.



WASHINGTON, DC

12745  
RROG-09-00012745

BRIAN M. MADDEN  
202.416.6770  
BMADDEN@LERMANSENTER.COM

March 22, 2010

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

**Re: Station KDXN, South Heart, North Dakota (Facility ID No. 169897)  
Request for Waiver Payment of FY2009 Regulatory Fee and  
Removal of "Red Light" Designation**

Dear Mr. VanRoekel:

This letter is written on behalf of Michael L. Wagner, Chapter 7 Trustee for Western Edge Media, LLC (the "Trustee"), to request a waiver of the obligation of the bankrupt permittee of unbuilt Station KDXN(FM), South Heart, North Dakota, to pay the regulatory fees assessed for the construction permit for FY2009, and removal of the "red light" designation in the Commission's records with respect to the permittee. The "red light" designation is preventing the processing and approval of an application to transfer control of the permittee to the Trustee in accordance with the order of the United States Bankruptcy Court, District of North Dakota (the "Court") in Case No. 09-31038.

On August 31, 2009, the principals of Western Edge Media, LLC ("Western Edge") filed a voluntary petition for Chapter 7 relief. The Court entered an order on March 16, 2010, effective from and after August 31, 2009, appointing the Trustee to administer Western Edge's estate. Both the date of the bankruptcy petition and the effective date of the Trustee's commencement of administration of the estate pre-date the September 22, 2009 due date for the payment of the assessed FY2009 regulatory fees for the unbuilt station in the amount of \$650; as indicated by the attached invoice (Bill No. 10RE002663), after the fee was not paid by the due date, a penalty of an additional \$162.50 was assessed, bringing the outstanding total to \$812.50.

•On March 18, 2010, the undersigned counsel filed an application to transfer the control of Western Edge to the Trustee (File No. BTCH-20100318ABG), however, at the time of filing a

LSI

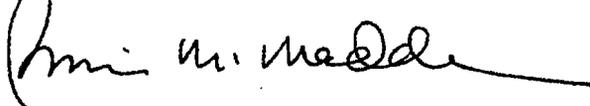
Mr. Steven VanRoekel, Managing Director  
March 22, 2010  
Page -2-

warning of the "red light" condition was provided, indicating that no "positive action" would be taken on the application until the matter was resolved.

The Trustee respectfully requests waiver of the obligation for the bankrupt estate to pay the FY2009 regulatory fee, and the subsequently assessed penalty, for the KDXN construction permit due to financial hardship, consistent with established Commission policy. *See Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), recon. granted, 10 FCC Rcd 12759, 12762 (1995); Assessment and Collection of Regulatory Fees for Fiscal Year 2003, 18 FCC Rcd 15985, 15989-90 (2003).*

If any additional information is desired in connection with this request, please contact the undersigned counsel.

Very Truly Yours,



Brian M. Madden  
Counsel to Michael L. Wagner, Chapter 7 Trustee  
Western Edge Media, LLC

Enclosure

cc: Roland Helvajian (by e-mail)  
Michael L. Wagner, Chapter 7 Trustee

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 10 2010

OFFICE OF  
MANAGING DIRECTOR

Helen Harp, Owner  
WWSJ Radio  
Post Office Box 451  
St. Johns, MI 48879

Re: WWSJ Radio, Station 1580-AM  
FY 2009 Regulatory Fees  
Fee Control No. RROG-09-00012816

Dear Ms. Harp:

This letter responds to your request dated May 3, 2010 (*Reconsideration Request*), on behalf of WWSJ Radio, licensee of Station 1580-AM, that the Office of Managing Director (OMD) reconsider its decision denying WWSJ Radio a waiver of the fiscal year (FY) 2009 regulatory fee on the grounds of financial hardship.<sup>1</sup> Our records reflect that you have not paid the \$875.00 regulatory fee. 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."<sup>2</sup> In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, and considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public. Thus, even if a station loses money, any funds paid to principals and deductions for depreciation or amortization are considered funds available to pay the fees. 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.

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<sup>1</sup> See Letter from Mark Stephens, Chief Financial Officer, OMD, FCC, to Helen Harp (Mar. 29, 2010) (*2010 Letter*).

<sup>2</sup> 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*).

You submit a copy of the "2008 Profit or Loss from Business (Sole Proprietorship), Schedule C (Form 1040)" filed by Larry and Helen E. Harp as the proprietors of WWSJ Radio (2008 Form 1040).<sup>3</sup> The 2008 Form 1040 indicates that WWSJ Radio had a net profit of \$851.00 for calendar year 2008, reflecting a \$6,661.00 depreciation deduction. Because the Commission considers depreciation deductions as funds available to pay the regulatory fees, we find that WWSJ had adequate revenues to pay the FY 2009 \$875.00 regulatory fee (*i.e.*, \$851.00 plus \$6,661.00). We therefore deny your request for waiver of the FY 2009 regulatory fee on the grounds of financial hardship.

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

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<sup>3</sup> *Reconsideration Request, Attachment.*

May 3, 2010

Federal Communications Commission  
Washington, DC 20554  
Attn: Mark Stephens  
Chief Financial Officer

Per your request, attached for documentation is a copy of Schedule C from our 2008 Federal Tax Return showing the revenue earned from WWSJ. Please waive our 2009 regulatory fee as the station continues to struggle financially.

Helen Harp  
Owner

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

SEP 10 2010

OFFICE OF  
MANAGING DIRECTOR

Gilardo Castro, President  
Vision Latina Broadcasting, Inc.  
3101 Thirty-second Street  
Port Arthur, Texas 77642

Re: Station KBPO(AM) ✓  
Port Neches, Texas  
FY 2009 Regulatory Fee  
Fee Control No. RROG-09-00012771

Dear Mr. Castro:

This is in response to your request filed March 31, 2010 (*Request*), on behalf of Vision Latina Broadcasting, Inc. for a waiver of the Fiscal Year (FY) 2009 regulatory fee associated with Station KBPO(AM) (the station). Our records reflect that you have not paid the \$1,725.00 FY 2009 fee for the station. For the reasons stated herein, we grant your request.

You recite that due to financial and technical difficulties, the station was silent for all but two days during the 2009 fiscal year.<sup>1</sup> In *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995) (*Reconsideration Order*), the Commission determined that the imposition of a regulatory fee could be an impediment to the restoration of service by dark stations and that it therefore would waive the fee requirement for stations which have ceased operation.

Our records reflect that the station was silent from March 10, 2008, to February 26, 2009, and from February 28, 2009, to February 26, 2010, pursuant to Commission authority.<sup>2</sup> Because the station was not operating at the time the FY 2009 regulatory fee was due on September 22, 2009, we grant your request for waiver of the FY 2009 regulatory fee.

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

Sincerely,



Mark Stephens  
Chief Financial Officer

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

<sup>2</sup> See letter from Charles N. Miller, Media Bureau, to Eloy Castro (Feb. 26, 2009); letter from H. Taft Snowdon, Media Bureau, to Gilardo Castro (July 8, 2009).

RR0G-09-00012771

March 31, 2010

**PLEASE STAMP  
AND RETURN**

**BY HAND DELIVERY**

Steven VanRoekel, Managing Director  
Office of Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room TWB204  
Washington, D.C. 20554

FILED/ACCEPTED

MAR 31 2010

Federal Communications Commission  
Office of the Secretary

RE: Request for Waiver of 2009 Annual Regulatory Fee for  
Station KBPO(AM), Port Neches, Texas (Facility ID No. 68762)  
Licensee: Vision Latina Broadcasters, Inc.  
FRN: 0010-0191-15

Dear Mr. VanRoekel:

Vision Latina Broadcasting, Inc. (the "Licensee"), licensee of Station KBPO(AM), Port Neches, Texas (Facility ID No. 68762) (the "Station"), submits this Request for Waiver of 2009 Regulatory Fees.<sup>1</sup> As detailed below, the Station was silent for all but two days during the respective period of time due to financial and technical difficulties, and, therefore, under Commission precedent may seek a waiver of regulatory fees.

In *Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759, 12762 (1995), the Commission set the following standard for silent stations seeking a waiver of regulatory fees:

"We will also grant petitions for waivers of the regulatory fees on grounds of financial hardship from licensees of broadcast stations which are dark (not operating). When a station is dark, it generally is either without or with greatly reduced revenues. Moreover, broadcast stations which are dark must request permission to suspend operation pursuant to Section 73.1740 (a) (4) of the Rules. 47 C.F.R. § 73.1740 (a) (4)."

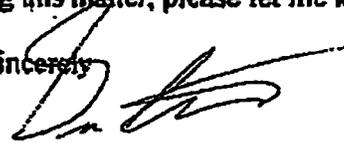
The Station was silent from March 10, 2008 to February 26, 2009, and from February 28, 2009, to February 26, 2010, pursuant to Commission authority (see attached).

Therefore, since the station was silent for all but two days during the October 1, 2008, to September 31, 2009, Regulatory Fee period, in accordance with the Commission's standards, Licensee hereby respectfully requests a waiver of the Station's 2009 Regulatory Fees.

<sup>1</sup> In addition, the licensee hereby requests that payment of 2009 Regulatory Fees be deferred pending the outcome of this request.

Should there be any questions regarding this matter, please let me know.

Sincerely

A handwritten signature in black ink, appearing to read 'Gilardo Castro', with a long horizontal flourish extending to the right.

**Gilardo Castro, President  
Vision Latina Broadcasting, Inc.**