

To

Office of the Managing Director
Federal Communications Commission
1919 M. Street, N.W., Room 450
Washington, D.C. 20554

Re Regulatory Fee Demand Letters, Regulatory Flexibility Act, and most importantly

Petition for Additional Time to Respond

Before the

Federal Communications Commission
Washington, DC 20554

In the matter of:

Waiver of Regulatory Fee for FY 2010)
Fireweed Communications LLC)
Anchorage, Alaska)
FRN 00101721109)

To: Managing Director, Office of Managing Director

Petition Requesting Additional Time to Respond to Demand Letter

Pursuant to 47 C.F.R. § 1.3 and 1.1910 (3) (I), Fireweed Communication LLC (Fireweed) and its members, Jeremy Lansman and Carol E Schatz (Members) for good cause hereby petition the Commission for additional time to reply to “Demand Letters” (Letter) dated 05/29/2013 and attached herewith.

Background:

Fireweed holds authority to broadcast under the FCC call sign KYES-TV and associated LPTV and translator stations. Under FCC rules Fireweed is obligated under §1.1151 to pay an annual regulatory fee (Fee), or request a waiver for such payments pursuant to §1.1166.

Under Paragraph 3 of the Letter Fireweed is given 15 days¹ from the date of the letter in which it may “request an opportunity to...”, among other things, “...seek agency review of the basis for the Debt.” Furthermore, if Fireweed fails to make a written request, “After 15-days, you will be deemed to have waived any right not exercised...”

¹The letter does not cite authority for that specific deadline.

In Dockets 08-65, 12-201, and 13-58 the commission opened a NPRM and FNPRM (Fee Proceeding) regarding collection of Regulatory Fees. It is Fireweed's intention to comment in that proceeding.

One of the points Fireweed will make is that the Commission has, inadvertently we hope, constructed a Catch 22² making it impossible for Fireweed to exercise its rights. In a prior decision, Fireweed requested a Regulatory Fee Waiver. In response³ the Office of Managing Director said that under Internal Revenue Service (IRS) rules, Fireweed's members must also submit financial information. However, under IRS rules Members need not file IRS returns by the same date the Commission requires a filing under its Fee rules. The Commission's deadline is in September for a current fiscal year, while the IRS deadline is April 15 of the following year. Members often have to request IRS extensions, which was the case for the year subject to the OMD letter attached.

In relevant part, the letter states⁴,

“Fireweed LLC is organized as a limited liability company, and as such, unless an election is made with the Internal Revenue Service (IRS), it is classified as a partnership for federal income tax purposes. You did not provide relevant tax information, or other relevant financial information, so we follow the IRS default classification. As such, the profits and losses pass through the business entity to the members, and because of that treatment, it is difficult to define a bright line between the business entities financial records...and personal financial records. Hence, our requirement that the regulatee "fully document" its financial position extends to the limited liability company members gross income, assets, liabilities, and cash flows.

We think it is not appropriate to argue issues in this request, rather we state our situation to justify your grant to us of additional time.

²“A catch-22 is a paradoxical situation in which an individual cannot or is incapable of avoiding a problem because of contradictory constraints or rules. Often these situations are such that solving one part of a problem only creates another problem, which ultimately leads back to the original problem. Catch-22s often result from rules, regulations, or procedures that an individual is subject to but has no control over.” [http://en.wikipedia.org/wiki/Catch-22_](http://en.wikipedia.org/wiki/Catch-22_%28logic%29)

³Letter Attached.

⁴Letter from Mark Stephens, dated June 9, 2011, attached.

Why Request Additional Time to Reply as a Petition?:

We know that it is customary to ask via telephone for additional time to reply⁵. We did call to make such a request. Last Friday June 07, 2013, at 8:04 AM US Eastern Time (14:04 SAST), Member Jeremy Lansman wrote to arinquiry@fcc.gov via e-mail to request additional time to respond to the Demand Letter.

This is in regard to six letters addressed to Fireweed Communications LLC, printed 5/29/2013 demanding payment for regulatory fees.

The body of the letter states in part, "...you have 15 days from the date of this Demand letter.." to exercise such rights enumerated further on in the letter.

The purpose of this email is to notify you that the letter was received, and is being acted upon, but also to request additional time, an additional 15 days, until June 29th, to make a formal response.

A response was received the same day, time stamped 07/06/2013 22:02 SAST.

Unfortunately, our system has no way to annotate an additional 15 days for a response. Please be advised that our records show that fees are unpaid for 2011 and 2012 for this account. You can view the bill detail on line in the Red Light Display system using the FRN and password. If you need a FRN password reset, please call 1-877-480-3201 option 1 or 717-338-2888.

It appears the request was not addressed, other than to say, "our system cannot annotate..." a delay request!

Further Justification for Request for Additional Time to Reply:

In the Fee Proceeding, Fireweed and its members will argue that it and possibly other LLCs have been treated inequitably if not unconstitutionally. To rectify what we see as an error, Fireweed will at a minimum request retroactive adjustment of the fee structure. Also, we believe it will be less of a burden for both the Members and Commission staff to address Fireweed's request in

⁵ Call Metadata/ DESTINATION,NAME,DESTINATION,DIRECTION,CALLERID,START TIME,RESULT,DURATION,BILLED,DURATION,RATE,FIRST:
UNITED STATES,12024181995,Outbound,04018709,2013-06-07 17:33:57 ,completed,
278,282,0.0098,6,6,0.04606000,0.0000,0.00463341,,41.222.225.190:52963

consolidation with the Fee Proceeding. Fireweed is a very small business and the provision of the Regulatory Flexibility Act⁶ should provide it some degree of protection.

Conclusion:

As Fireweed will enter comments in the Fee Proceeding requesting, “agency review of the debt”, Fireweed respectfully requests an extension of time to respond which is identical to the comment deadline in accordance with the Fee Proceeding, currently set to be June 19, 2013.

Jeremy Lansman, Member of Fireweed Communications LLC hereby states under penalty of perjury that the facts stated within this petition are true and correct to the best of his knowledge and belief.

Signed/ Jeremy Lansman
Member, Fireweed Communications LLC.
June 10, 2013

⁶Please see 5 USC § 609 - Procedures for gathering comments. Note that at NO TIME prior to receiving the attached letter stating that personal finances of the members are to be considered in a Waiver request, was this FCC rule, or policy, or procedures notified to Fireweed as required by the RFA.

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

June 9, 2011

OFFICE OF
MANAGING DIRECTOR

Jeremy Lansman, President
Fireweed Communications Corp.
3700 Woodland Drive, #800
Anchorage, Alaska 99517

Re: Fireweed Communications, LLC
Stations KYES-TV, K120W, K06MF, KYEX-LP,
K22HN-D and K09XO
FY 2010 Regulatory Fees
Fee Control No. RROG-10-00013054

Dear Mr. Lansman:

This letter, which is in further response to your request dated August 23, 2010 (*Request*),¹ our letter dated April 13, 2010,² and your Email,³ clarifies the amount that Fireweed Communications, LLC (Fireweed LLC) owes for unpaid regulatory fees for fiscal year (FY) 2010, and it affirms the reasons for denying your Request.

Your *Request* included in its caption the names of two separate entities, Fireweed Communications Corporation and Fireweed Communications, LLC; however, in the body of the Request, you sought a waiver of FY 2010 regulatory fees due from Fireweed Communications, LLC.⁴ On April 13, 2010, we denied “your request dated August 23, 2010 . . . on behalf of Fireweed Communications Corporation for a waiver of . . . FY 2010 regulatory fees,” and advised that \$1,690.00 was due. Your Email, which sought clarification of that amount, alerted us that we did not include regulatory fees associated with Fireweed LLC’s other FCC Registration Number (FRN).⁵ Our records show that Fireweed LLC owes \$8,615.00 for the FY 2010 regulatory fees, plus \$2,153.75 in statutory penalties.⁶ For the separate reasons discussed below, we dismiss or, in the alternative, deny your Request. We discuss each matter in turn.

¹ In the Matter of Waiver of Regulatory Fee for FY 2010 Fireweed Communications Corporation Fireweed Communications LLC Anchorage, Alaska Translators and auxiliary stations to Managing Director, Office of Managing Director (Aug. 23, 2010) (*Request*).

² Letter from Mark Stephens, Chief Financial Officer, Office of Managing Director, FCC, to Jeremy Lansman (Apr. 13, 2011).

³ Email from Jeremy Lansman (jeremyl@kyes.com) to Sherry Herauf, FCC (Apr. 21, 2011).

⁴ *Request* at 1, 4. After the signature block at bottom of the Request, you included the notation: “Facilities covered: 21490 (K06MF), 21491 (KYEX-LP), 21492 (KNIK-LP), 131085 (K09XO), 21488 (KYES-TV), 129978 (K17HC), 131081 (K22HN-D), and 21489 (K120W).”

⁵ Fireweed LLC has two FRNs (0010172179 and 0014437370) and Fireweed Communications Corp. has two FRNs (0001569128 and 0003780533). If one or more of these FRN’s are no longer appropriate for business operations, please correct the record. See 47 C.F.R. § 1.8002(b)(2) (“Information provided when registering for an FRN must be kept current by registrants.”).

⁶ 47 U.S.C. § 159(c).

First, our records indicate that Fireweed LCC did not pay any portion of the FY 2010 regulatory fees due for any of its Stations, and your *Request* did not petition for deferral of payment of those fees. Our records also show that Fireweed LLC is delinquent in paying regulatory fees for prior years.⁷ Thus, because Fireweed LLC did not request deferral and it is delinquent in paying prior year fees, under our rules,⁸ we dismiss your Request. However, in the alternative, if you had requested deferral and paid the now-delinquent fees, for the separate reasons stated next, we deny your Request. Hence, you are required to pay \$8,615.00, which is the amount of the regulatory fees for each license, and \$2,153.75 in the accrued penalties.⁹ We will send you a separate invoice for the delinquent regulatory fees from the prior years.

Your submission does not fully document for each Station the information sufficient to show that because of Fireweed LLC's financial position, it lacks sufficient funds to pay the regulatory fees due for all of the Stations and to maintain service to the public. Furthermore, the information that you did provide does not present a compelling case of financial hardship in your claim that "a regulatory fee payment . . . will significantly impact the ability of Fireweed . . . to provide over the air television broadcast service to the public[.]"¹⁰

In support of your assertion that Fireweed has "no funds to build a digital television facility,"¹¹ you submitted a copy of Fireweed LLC's "Profit and Loss" statement for the period from January 2010 through August 2010 (*2010 Profit and Loss Statement*) and a Balance Sheet as of August 18, 2010 (*Balance Sheet*). You also provided a document explaining the compensation paid to Fireweed's highest paid employee, the licensee's general manager (*Salary Statement for 2010*).¹² You state that "there were not any officers or principals that were given compensation."¹³ This information does not establish compelling and extraordinary circumstances to waive the fees.

In establishing a regulatory fee program, the Commission recognized that in certain instances, payment of a regulatory fee may impose an undue financial hardship upon a licensee. Such fees may be waived, reduced or deferred, but only upon a showing of good cause and a finding that the public interest will be served thereby.¹⁴ The Commission has narrowly

⁷ Our records indicate that the regulatory fees for FY 2009 and earlier years are delinquent for Stations KYES-TV, K09XO, KC24192, WMG299, WPYP270, K12OW, K06MF, KYEX-LP, KOAN-LP, WMG298, WMG300, and WPJA560. If you believe this information to be incorrect, and you have evidence that the fees were waived or paid in a timely manner, please provide it to us.

⁸ 47 C.F.R. § 1.1166(c)(Petitions for waiver of a regulatory fee must be accompanied by the required fee and FCC Form 159. Submitted fees will be returned if a waiver is granted. Waiver requests that do not include the required fees or forms will be dismissed unless accompanied by a petition to defer payment due to financial hardship, supported by documentation of the financial hardship.); 47 U.S.C. § 159(c)(2); 47 C.F.R. § 1.1164(e) ("Any pending or subsequently filed application submitted by a party will be dismissed if that party is determined to be delinquent in paying a standard regulatory fee or an installment payment.")

⁹ 47 U.S.C. § 159(c)(1); 47 C.F.R. § 1.1164.

¹⁰ *Request* at 1.

¹¹ *Id.*

¹² See email from Jeremy Lansman to Joanne Wall, Attachment 1 (*2010 Profit and Loss Statement*), Attachment 2 (*Salary Statement for 2010*) (Apr. 1, 2011) (*April 2011 Email*). See *April 2011 Email*.

¹³ *Id.*

¹⁴ 47 U.S.C. § 159(d); 47 C.F.R. § 1.1166. See also Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for Fiscal Year 1994, *Report and Order*, 9 FCC Rcd 5333, 5344 (1994), *recon. denied*, 10 FCC Rcd 12759 (1995).

interpreted its waiver authority to require a showing of compelling and extraordinary circumstances that outweigh the public interest in recouping the Commission's regulatory costs.¹⁵ Fee relief may be granted based on asserted financial hardship, but only upon a documented showing that payment of the fee will adversely impact the licensee's ability to serve the public.¹⁶ "Mere allegations or documentation of financial loss, standing alone," does not suffice and "it [is] incumbent upon each regulatee to fully document its financial position and show that it lacks sufficient funds to pay the regulatory fee and to maintain its service to the public."¹⁷ In reviewing a showing of financial hardship, the Commission relies on a range of financial documents including a licensee's balance sheet and profit and loss statement (audited, if available), a cash flow projection for the next twelve months (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. It is on this information that the Commission considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public.¹⁸ 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.

As we discuss below, the *2010 Profit and Loss Statement* and the *Balance Sheet* do not fully document each Station's financial position as it pertains to the FY 2010 regulatory fees and the information does not show compelling and extraordinary circumstances that outweigh the public interest in recouping the Commission's regulatory costs.

Fireweed LLC is organized as a limited liability company, and as such, unless an election is made with the Internal Revenue Service (IRS), it is classified as a partnership for federal income tax purposes.¹⁹ You did not provide evidence of Fireweed LLC's classification for federal tax purposes,²⁰ relevant tax information, or other relevant financial information, so we follow the IRS default classification. As such, the profits and losses pass through the business entity to the members, and because of that treatment, it is difficult to define a bright line between the business entity's financial records (e.g., partnership, sole proprietorship, or Subchapter S corporation) and personal financial records. Hence, our requirement that the regulatee "fully document"²¹ its financial position extends to the limited liability company member's gross income, assets, liabilities, and cash flows. Because you did not provide those financial records and clarify your position,²² you did not fully document each Station's financial capability to pay the regulatory fee and maintain service to the public. Consequently, the information furnished does not show compelling and extraordinary circumstances that outweigh the public interest in collecting the regulatory fees; therefore, on that separate ground, we deny your Request.

¹⁵ 9 FCC Rcd at 5344 ¶ 29.

¹⁶ 10 FCC Rcd at 12761-62 ¶ 13.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ See IRS Publication 3402, Taxation of Limited Liability Companies.

²⁰ See Treas. Reg. §§301.7701-1 to -3.

²¹ *Memorandum Opinion and Order*, 10 FCC Rcd at 12762.

²² A petitioner has the burden of clarifying its position before the Commission. *Bartholdi Cable Co. v. FCC*, 114 F.3d 274, 279-80 (D.C. Cir. 1997).

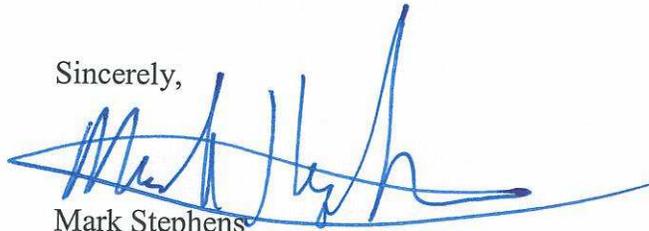
In the alternative, our review of the record information that you did provide, including Fireweed LLC's *2010 Profit and Loss Statement* and *Salary Statement for 2010*, shows that Fireweed's financial loss in 2010 was fully offset by a depreciation deduction and the compensation paid to the licensee's general manager. Thus, Fireweed had money from a depreciation deduction and compensation amounts paid to a general manager from which it could pay the regulatory fees. Moreover, we note the specific amounts reported on the *Balance Sheet*, i.e., \$164,339.37 as retained earnings and \$99,950.72 in draws²³ to you and Ms. Schatz are sufficient to pay the required regulatory fees. Thus, on this additional separate ground, we deny your request for waiver of the regulatory fees.

Finally, in the alternative, your submission does not establish which, if any, of the Stations is financially unable to pay its regulatory fee and maintain its service to the public. The *2010 Profit and Loss Statement* and the *Balance Sheet* present consolidated information, and you did not present specific relevant information establishing for each Station that the payment of its required FY 2010 regulatory fee will present a financial hardship such that each Station lacks sufficient funds to both pay its fee and maintain service to the public. Thus, on this additional ground, we deny your request for waiver of the regulatory fees for each of the Stations.

You have also requested confidential treatment of the material 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 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.

Payment of the \$8,615.00 FY 2010 regulatory fees and \$2,153.75 for statutory penalties are now due. These amounts owed should be filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter. We will prepare and submit to you a separate invoice to collect the past due regulatory fees and late payment penalties. 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

²³ The balance sheet includes draws of \$68,971 and \$13,200 for Jeremy Lansman and Carol Schatz, respectively, and insurance draws of \$9,312.94 and \$8,466.30, for Mr. Lansman and Ms. Schatz.

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

April 18, 2011

Jeremy Lansman, President
Fireweed Communications Corp.
3700 Woodland Drive, #800
Anchorage, Alaska 99517

Re: Fireweed Communications LLC
Request for Waiver of Application Fee
Fee Control No. RROG-10-00013445

Dear Mr. Lansman:

This letter responds to your request dated August 23, 2010 (*Request*), submitted on behalf of Fireweed Communications LLC for a waiver of an application filing fee.¹ Our records reflect that you have not paid the \$705.00 application fee. For the reasons stated herein, we dismiss your request as moot.

You claim that the application fee “will significantly impact the ability of Fireweed . . . to provide over the air television broadcast service to the public[.]”² You contend that Fireweed has “no funds to build a digital television facility.”³

The statutory Schedule of Application Fees pertains to the filing of applications for particular Commission services.⁴ Section 1.1119(b) of the Commission’s rules, 47 C.F.R. §1.1119(b), provides that requests for waiver of the application filing fees will only be considered from applicants acting with respect to their own individual applications. Section 1.1119(e) of the Commission’s rules, 47 C.F.R. §1.1119(e), provides that applicants seeking waivers *must submit the request for waiver with the application*, required fee and FCC Form 159, or a request for deferral, and that “[w]aiver requests that do not include these materials will be dismissed[.]” *Emphasis added.*⁵

¹ See File No. BNPDTT-20090831AEH and Application for Authority to Construct or Make Changes in a Low Power TV, TV Translator or TV Booster Station, FCC Form 346 (filed Aug. 31, 2009) (*Application*).

² *Request* at 1.

³ *Id.* at 2.

⁴ See 47 U.S.C. §158(g).

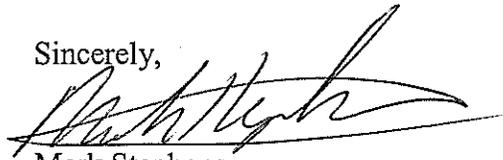
⁵ See also 47 C.F.R. §1.1119(c) (requires that requests for waiver of the application fees “be filed as a separate pleading and clearly marked to the attention of the Office of Managing Director [and that a]ny such request that is not filed as a separate pleading will not be considered by the Commission.”)

Our records reflect that you filed the *Application* on August 31, 2009, and the instant *Request* approximately one year later on August 23, 2010. Our records also reflect that the Media Bureau dismissed the *Application* on August 16, 2010, and that you did not file an application fee.⁶ Because Fireweed does not have a pending application associated with the instant waiver request, we dismiss Fireweed's *Request* as moot.

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

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', written over a horizontal line.

Mark Stephens
Chief Financial Officer

⁶ See letter from Hossein Hashemzadeh, Associate Division Chief, Media Bureau, FCC, to Fireweed Communications LLC (Aug. 16, 2010).

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

April 13, 2011

Jeremy Lansman, President
Fireweed Communications Corp.
3700 Woodland Drive, #800
Anchorage, Alaska 99517

Re: Fireweed Communications Corporation
FY 2010 Regulatory Fees
Fee Control No. RROG-10-00013054

Dear Mr. Lansman:

This letter responds to your request dated August 23, 2010 (*Request*), submitted on behalf of Fireweed Communications Corporation for a waiver of the fiscal year (FY) 2010 regulatory fees. Our records reflect that you have not paid the \$1,690.00 FY 2010 regulatory fees. For the reasons stated herein, we deny your request.

You claim that “a regulatory fee payment . . . will significantly impact the ability of Fireweed . . . to provide over the air television broadcast service to the public[.]”¹ You contend that Fireweed has “no funds to build a digital television facility.”² In a supplemental filing, you submit a copy of Fireweed’s “Profit and Loss” statement for the period from January 2010 through December 2010 (*2010 Profit and Loss Statement*), as well as a document explaining the compensation paid to Fireweed’s highest paid employee, the licensee’s general manager (*Salary Statement for 2010*).³ You state that “there were not any officers or principals that were given compensation.”⁴

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 stated that it would grant waivers or reductions of its regulatory fees in those instances where a “petitioner presents a compelling case of financial hardship.”⁵ In reviewing a showing of financial hardship, the Commission

¹ *Request* at 1.

² *Id.* at 2.

³ See email from Jeremy Lansman to Joanne Wall, Attachment 1 (*2010 Profit and Loss Statement*), Attachment 2 (*Salary Statement for 2010*) (Apr. 1, 2011) (*April 2011 Email*).

⁴ See *April 2011 Email*.

⁵ 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*).

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.⁶ 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.⁷

Our review of the record, including Fireweed's *2010 Profit and Loss Statement* and *Salary Statement for 2010*, indicates that Fireweed suffered a financial loss in 2010 which was fully offset by a depreciation deduction and the compensation paid to the licensee's general manager. Thus, Fireweed had money from a depreciation deduction and compensation amounts paid to a general manager from which it could pay the regulatory fees. We therefore deny your request for waiver of the regulatory fees on the grounds of financial hardship.

You have also requested confidential treatment of the material 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 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.

Payment of the \$1,690.00 FY 2010 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. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Stephens
Chief Financial Officer

Enclosure

⁶ See *Memorandum Opinion and Order* at 12762.

⁷ *Id.*



Federal Communications Commission
 Washington, D.C. 20554
Demand Letter

Print Date: 05/29/2013

Notice Number: 1

To: Fireweed Communications LLC
Account: 0010172179
Address: Fireweed Communications LLC
 7200 Alafna Av.
 Anchorage, AK 99516
Contact Name: Mr Jeremy D Lansman
Contact Phone: 9072506666

Remittance Information
Remit To: Federal Communications Commission
 Regulatory Fees
 P.O. Box 979088
 St. Louis, MO 63197-9000

Contact Name:
Contact Phone:

Change of Address

<u>Bill Date/ Due Date</u>	<u>Bill Number</u>	<u>Principal Amount</u>	<u>DCIA Amount</u>	<u>Admin. Charges Amt</u>	<u>Penalty Amount</u>	<u>Payments/ Discounts Received</u>	<u>Total Due</u>
5/29/2013 9/13/2012	BRF R12T021488 1	\$5,825.00	\$301.93	\$50.00	\$1,456.25		\$7,633.18
Grand Total:							\$7,633.18

Information for BRF R12T021488

This Demands payment of a Debt owed to the United States. It Notifies you of (a) important information about the nature of the Debt, (b) your rights, (c) consequences for failing to pay, (d) our attempt to reach settlement, and (e) contact information.

First, the Debt is commercial debt, which is described in the attached invoice. Because you did not pay the full amount by the Due Date, it is Delinquent.

Second, you have 15-days from the date of this Demand Letter to request an opportunity to: (a) inspect or copy Debt-related records; (b) as permitted by FCC rules, obtain a written installment payment plan; or (c), as permitted by FCC rules, seek agency review of the basis for the Debt. FCC's rules specify conditions that may apply to one or more of these rights, including, e.g., under 47 CFR 1.1167, the full amount of a regulatory fee must be paid before filing a petition for reconsideration, under 47 CFR 1.1910, the FCC withholds action on applications from delinquent debtors, and under 47 CFR 1.1914, an installment payment plan may be permitted when it is based on verified financial information that the Debtor is unable to pay the full amount in a lump sum. To exercise any of these rights, you must, within the allowed time, deliver to the FCC's address below, a written request (letter or email) specifying the nature of the request and providing relevant verified supporting documentation. After 15-days, you will be deemed to have waived any right not exercised, and any notice that you may receive later does not extend or renew that period.

Third, additional charges may accrue, including a statutory penalty on unpaid fees, administrative charges for collection, and other interest and penalties. E.g., under 47 USC 158(c)(1) & 159(c)(1), if the debt is a fee, we assess a penalty equal to 25% of the amount of the fee not paid in a timely manner. Further, under 31 USC 3717(e) and 47 CFR 1.1940, we will assess: (a) collection charges, (b) interest at the Treasury rate when the debt is more than 30 days delinquent, and (c) a penalty of 6% after 90 days. These charges accrue until the Debt is paid in full or you sign an approved written installment payment plan.

Fourth, under 31 USC 3711(g), without further notice, and usually within 180 days or less of Delinquency, we will transfer the Delinquent Debt to Treasury, which will (a) initiate collection action through private collection activities and (b) assess additional charges. In addition, we may refer the debt to DOJ, which may result in litigation and additional costs.



Federal Communications Commission
Washington, D.C. 20554
Demand Letter

Print Date: 05/29/2013

Notice Number: 1

To: Fireweed Communications LLC
Account: 0010172179
Address: Fireweed Communications LLC
 7200 Alafna Av.
 Anchorage, AK 99516
Contact Name: Mr Jeremy D Lansman
Contact Phone: 9072506666

Remittance Information

Remit To: Federal Communications Commission
 Regulatory Fees
 P.O. Box 979088
 St. Louis, MO 63197-9000

Contact Name:
Contact Phone:

Change of Address _____

<u>Bill Date/ Due Date</u>	<u>Bill Number</u>	<u>Principal Amount</u>	<u>DCIA Amount</u>	<u>Admin. Charges Amt</u>	<u>Penalty Amount</u>	<u>Payments/ Discounts Received</u>	<u>Total Due</u>
5/29/2013 9/13/2012	BRF R12T021491 1	\$385.00	\$19.96	\$50.00	\$96.25		\$551.21

Grand Total: \$551.21

Information for BRF R12T021491

This Demands payment of a Debt owed to the United States. It Notifies you of (a) important information about the nature of the Debt, (b) your rights, (c) consequences for failing to pay, (d) our attempt to reach settlement, and (e) contact information.

First, the Debt is commercial debt, which is described in the attached invoice. Because you did not pay the full amount by the Due Date, it is Delinquent.

Second, you have 15-days from the date of this Demand Letter to request an opportunity to: (a) inspect or copy Debt-related records; (b) as permitted by FCC rules, obtain a written installment payment plan; or (c), as permitted by FCC rules, seek agency review of the basis for the Debt. FCC's rules specify conditions that may apply to one or more of these rights, including, e.g., under 47 CFR 1.1167, the full amount of a regulatory fee must be paid before filing a petition for reconsideration, under 47 CFR 1.1910, the FCC withholds action on applications from delinquent debtors, and under 47 CFR 1.1914, an installment payment plan may be permitted when it is based on verified financial information that the Debtor is unable to pay the full amount in a lump sum. To exercise any of these rights, you must, within the allowed time, deliver to the FCC's address below, a written request (letter or email) specifying the nature of the request and providing relevant verified supporting documentation. After 15-days, you will be deemed to have waived any right not exercised, and any notice that you may receive later does not extend or renew that period.

Third, additional charges may accrue, including a statutory penalty on unpaid fees, administrative charges for collection, and other interest and penalties. E.g., under 47 USC 158(c)(1) & 159(c)(1), if the debt is a fee, we assess a penalty equal to 25% of the amount of the fee not paid in a timely manner. Further, under 31 USC 3717(e) and 47 CFR 1.1940, we will assess: (a) collection charges, (b) interest at the Treasury rate when the debt is more than 30 days delinquent, and (c) a penalty of 6% after 90 days. These charges accrue until the Debt is paid in full or you sign an approved written installment payment plan.

Fourth, under 31 USC 3711(g), without further notice, and usually within 180 days or less of Delinquency, we will transfer the Delinquent Debt to Treasury, which will (a) initiate collection action through private collection activities and (b) assess additional charges. In addition, we may refer the debt to DOJ, which may result in litigation and additional costs.

**Federal Communications Commission
REMITTANCE ADVICE
BILL FOR COLLECTION**

Approved by OMB
3060-0509

Bill Number	Applicant FRN#	Current Bill Date	<i>FOR INQUIRIES CALL</i> 1-202-418-1995 (Revenue & Receivable Operations Group)
R12T021492	0010172179	5/29/13	

Application Information:

Fireweed Communications LLC Fireweed Communications LLC 7200 Alafna Av. Anchorage, AK 99516	Payable to: Federal Communications Commission Send a copy of this bill to: Federal Communications Commission Regulatory Fees P.O. Box 979088 St. Louis, MO 63197-9000
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Total Amount Due	Due Date
\$551.21	TOTAL AMOUNT DUE MUST BE RECEIVED BY 9/13/12

Payer FRN No. Please Complete The Payer Information, FCC Registration Number (FRN) is required

Payer name (if paying by credit card enter name as it appears on the card):

Address Line No. 1

Address Line No. 2

City State Zip Code

Daytime Phone Number (include area code)

Reason for Bill:
 Our records show that by the above-stated Due Date, you had failed to pay in full your required annual regulatory fee set forth under 47 USC 159 and our rules, thus your account is Delinquent. Under 47 USC 159(c)(1), you incurred a 25% penalty, and under 31 USC 3717, you incurred the listed interest and additional penalty charges. To avoid additional charges, within 30 days of the above-stated Current Bill Date, we must receive your full payment of the Total Amount Due. Under 47 CFR 1.1910, you are red lighted until the Total Amount Due and any new charges are paid in full.

Call Sign/Other FCC ID	Payment Type Code				Quantity	Fee Due For (PTC)	Total Fee	FCC Code 1	FCC Code 2
KNIK-LP	1	2	6	7	1	\$385.00	\$385.00	21492	AKANCHORAGE
KNIK-LP	A	D	M		1		\$50.00	21492	AKANCHORAGE
KNIK-LP	D	C	I	A	1		\$19.96	21492	AKANCHORAGE
KNIK-LP	P	E	N		1		\$96.25	21492	AKANCHORAGE

TOTAL DUE \$551.21

Please choose a method of Payment and complete the section if paying by Credit Card

Payment Method:

Credit Card
 Check
 Wire
 IPAC
 MIPR

MASTERCARD
 DISCOVER
 VISA
 AMEX

Account No. Expiration Date

I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described. Month Year

Authorized Signature Date

IF PAYING BY CHECK, PLEASE WRITE YOUR BILL NUMBER ON YOUR REMITTANCE AND ATTACH A COPY OF THIS BILL TO YOUR PAYMENT TO ENSURE PROPER CREDIT



Federal Communications Commission
Washington, D.C. 20554
Demand Letter

Print Date: 05/29/2013
 Notice Number: 1

To: Fireweed Communications LLC
Account: 0010172179
Address: Fireweed Communications LLC
 7200 Alafna Av.
 Anchorage, AK 99516
Contact Name: Mr Jeremy D Lansman
Contact Phone: 9072506666

Remittance Information
Remit To: Federal Communications Commission
 Regulatory Fees
 P.O. Box 979088
 St. Louis, MO 63197-9000
Contact Name:
Contact Phone:

Change of Address _____

<u>Bill Date/ Due Date</u>	<u>Bill Number</u>	<u>Principal Amount</u>	<u>DCIA Amount</u>	<u>Admin. Charges Amt</u>	<u>Penalty Amount</u>	<u>Payments/ Discounts Received</u>	<u>Total Due</u>
5/29/2013 9/13/2012	BRF R12T021492 1	\$385.00	\$19.96	\$50.00	\$96.25		\$551.21
Grand Total:							\$551.21

Information for BRF R12T021492

This Demands payment of a Debt owed to the United States. It Notifies you of (a) important information about the nature of the Debt, (b) your rights, (c) consequences for failing to pay, (d) our attempt to reach settlement, and (e) contact information.

First, the Debt is commercial debt, which is described in the attached invoice. Because you did not pay the full amount by the Due Date, it is Delinquent.

Second, you have 15-days from the date of this Demand Letter to request an opportunity to: (a) inspect or copy Debt-related records; (b) as permitted by FCC rules, obtain a written installment payment plan; or (c), as permitted by FCC rules, seek agency review of the basis for the Debt. FCC's rules specify conditions that may apply to one or more of these rights, including, e.g., under 47 CFR 1.1167, the full amount of a regulatory fee must be paid before filing a petition for reconsideration, under 47 CFR 1.1910, the FCC withholds action on applications from delinquent debtors, and under 47 CFR 1.1914, an installment payment plan may be permitted when it is based on verified financial information that the Debtor is unable to pay the full amount in a lump sum. To exercise any of these rights, you must, within the allowed time, deliver to the FCC's address below, a written request (letter or email) specifying the nature of the request and providing relevant verified supporting documentation. After 15-days, you will be deemed to have waived any right not exercised, and any notice that you may receive later does not extend or renew that period.

Third, additional charges may accrue, including a statutory penalty on unpaid fees, administrative charges for collection, and other interest and penalties. E.g., under 47 USC 158(c)(1) & 159(c)(1), if the debt is a fee, we assess a penalty equal to 25% of the amount of the fee not paid in a timely manner. Further, under 31 USC 3717(e) and 47 CFR 1.1940, we will assess: (a) collection charges, (b) interest at the Treasury rate when the debt is more than 30 days delinquent, and (c) a penalty of 6% after 90 days. These charges accrue until the Debt is paid in full or you sign an approved written installment payment plan.

Fourth, under 31 USC 3711(g), without further notice, and usually within 180 days or less of Delinquency, we will transfer the Delinquent Debt to Treasury, which will (a) initiate collection action through private collection activities and (b) assess additional charges. In addition, we may refer the debt to DOJ, which may result in litigation and additional costs.

**Federal Communications Commission
REMITTANCE ADVICE
BILL FOR COLLECTION**

Approved by OMB
3060-0509

Bill Number	Applicant FRN#	Current Bill Date	FOR INQUIRIES CALL 1-202-418-1995 (Revenue & Receivable Operations Group)
R12T131081	0010172179	5/29/13	

Application Information:

Fireweed Communications LLC
Fireweed Communications LLC
7200 Alatna Av.
Anchorage, AK 99516

Payable to:
Federal Communications Commission

Send a copy of this bill to:
Federal Communications Commission
Regulatory Fees
P.O. Box 979088
St. Louis, MO 63197-9000

Total Amount Due		Due Date
\$551.21	TOTAL AMOUNT DUE MUST BE RECEIVED BY	9/13/12

Payer FRN No.	Please Complete The Payer Information, FCC Registration Number (FRN) is required

Payer name (if paying by credit card enter name as it appears on the card):

Address Line No. 1

Address Line No. 2

City State Zip Code

Daytime Phone Number (include area code)

Reason for Bill:

Our records show that by the above-stated Due Date, you had failed to pay in full your required annual regulatory fee set forth under 47 USC 159 and our rules, thus your account is Delinquent. Under 47 USC 159(c)(1), you incurred a 25% penalty, and under 31 USC 3717, you incurred the listed interest and additional penalty charges. To avoid additional charges, within 30 days of the above-stated Current Bill Date, we must receive your full payment of the Total Amount Due. Under 47 CFR 1.1910, you are red lighted until the Total Amount Due and any new charges are paid in full.

Call Sign/Other FCC ID	Payment Type Code	Quantity	Fee Due For (PTC)	Total Fee	FCC Code 1	FCC Code 2
K22HN-D	1 2 6 7	1	\$385.00	\$385.00	131081	AKANCHORAGE
K22HN-D	D C I A	1		\$19.96	131081	AKANCHORAGE
K22HN-D	A D M	1		\$50.00	131081	AKANCHORAGE
K22HN-D	P E N	1		\$96.25	131081	AKANCHORAGE
TOTAL DUE				\$551.21		

Please choose a method of Payment and complete the section if paying by Credit Card

Payment Method:

Credit Card Check Wire IPAC MIPR

MASTERCARD DISCOVER VISA AMEX

Account No.

<input type="text"/>																			
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Expiration Date

<input type="text"/>	<input type="text"/>
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I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.

Month Year

Authorized Signature

Date

IF PAYING BY CHECK, PLEASE WRITE YOUR BILL NUMBER ON YOUR REMITTANCE AND ATTACH A COPY OF THIS BILL TO YOUR PAYMENT TO ENSURE PROPER CREDIT



Federal Communications Commission
 Washington, D.C. 20554
Demand Letter

Print Date: 05/29/2013

Notice Number: 1

To: Fireweed Communications LLC
Account: 0010172179
Address: Fireweed Communications LLC
 7200 Alatna Av.
 Anchorage, AK 99516
Contact Name: Mr Jeremy D Lansman
Contact Phone: 9072506666

Remittance Information

Remit To: Federal Communications Commission
 Regulatory Fees
 P.O. Box 979088
 St. Louis, MO 63197-9000

Contact Name:
Contact Phone:

Change of Address

<u>Bill Date/ Due Date</u>	<u>Bill Number</u>	<u>Principal Amount</u>	<u>DCIA Amount</u>	<u>Admin. Charges Amt</u>	<u>Penalty Amount</u>	<u>Payments/ Discounts Received</u>	<u>Total Due</u>
5/29/2013 9/13/2012	BRF R12T131081 1	\$385.00	\$19.96	\$50.00	\$96.25		\$551.21

Grand Total: \$551.21

Information for BRF R12T131081

This Demands payment of a Debt owed to the United States. It Notifies you of (a) important information about the nature of the Debt, (b) your rights, (c) consequences for failing to pay, (d) our attempt to reach settlement, and (e) contact information.

First, the Debt is commercial debt, which is described in the attached invoice. Because you did not pay the full amount by the Due Date, it is Delinquent.

Second, you have 15-days from the date of this Demand Letter to request an opportunity to: (a) inspect or copy Debt-related records; (b) as permitted by FCC rules, obtain a written installment payment plan; or (c), as permitted by FCC rules, seek agency review of the basis for the Debt. FCC's rules specify conditions that may apply to one or more of these rights, including, e.g., under 47 CFR 1.1167, the full amount of a regulatory fee must be paid before filing a petition for reconsideration, under 47 CFR 1.1910, the FCC withholds action on applications from delinquent debtors, and under 47 CFR 1.1914, an installment payment plan may be permitted when it is based on verified financial information that the Debtor is unable to pay the full amount in a lump sum. To exercise any of these rights, you must, within the allowed time, deliver to the FCC's address below, a written request (letter or email) specifying the nature of the request and providing relevant verified supporting documentation. After 15-days, you will be deemed to have waived any right not exercised, and any notice that you may receive later does not extend or renew that period.

Third, additional charges may accrue, including a statutory penalty on unpaid fees, administrative charges for collection, and other interest and penalties. E.g., under 47 USC 158(c)(1) & 159(c)(1), if the debt is a fee, we assess a penalty equal to 25% of the amount of the fee not paid in a timely manner. Further, under 31 USC 3717(e) and 47 CFR 1.1940, we will assess: (a) collection charges, (b) interest at the Treasury rate when the debt is more than 30 days delinquent, and (c) a penalty of 6% after 90 days. These charges accrue until the Debt is paid in full or you sign an approved written installment payment plan.

Fourth, under 31 USC 3711(g), without further notice, and usually within 180 days or less of Delinquency, we will transfer the Delinquent Debt to Treasury, which will (a) initiate collection action through private collection activities and (b) assess additional charges. In addition, we may refer the debt to DOJ, which may result in litigation and additional costs.



Federal Communications Commission
 Washington, D.C. 20554
Demand Letter

Print Date: 05/29/2013

Notice Number: 1

To: Fireweed Communications LLC
Account: 0010172179
Address: Fireweed Communications LLC
 7200 Alafna Av.
 Anchorage, AK 99516
Contact Name: Mr Jeremy D Lansman
Contact Phone: 9072506666

Remittance Information

Remit To: Federal Communications Commission
 Regulatory Fees
 P.O. Box 979088
 St. Louis, MO 63197-9000

Contact Name:
Contact Phone:

Change of Address

<u>Bill Date/ Due Date</u>	<u>Bill Number</u>	<u>Principal Amount</u>	<u>DCIA Amount</u>	<u>Admin. Charges Amt</u>	<u>Penalty Amount</u>	<u>Payments/ Discounts Received</u>	<u>Total Due</u>
5/29/2013 9/13/2012	BRF R12T131085 1	\$385.00	\$19.96	\$50.00	\$96.25		\$551.21
Grand Total:							\$551.21

Information for BRF R12T131085

This Demands payment of a Debt owed to the United States. It Notifies you of (a) important information about the nature of the Debt, (b) your rights, (c) consequences for failing to pay, (d) our attempt to reach settlement, and (e) contact information.

First, the Debt is commercial debt, which is described in the attached invoice. Because you did not pay the full amount by the Due Date, it is Delinquent.

Second, you have 15-days from the date of this Demand Letter to request an opportunity to: (a) inspect or copy Debt-related records; (b) as permitted by FCC rules, obtain a written installment payment plan; or (c), as permitted by FCC rules, seek agency review of the basis for the Debt. FCC's rules specify conditions that may apply to one or more of these rights, including, e.g., under 47 CFR 1.1167, the full amount of a regulatory fee must be paid before filing a petition for reconsideration, under 47 CFR 1.1910, the FCC withholds action on applications from delinquent debtors, and under 47 CFR 1.1914, an installment payment plan may be permitted when it is based on verified financial information that the Debtor is unable to pay the full amount in a lump sum. To exercise any of these rights, you must, within the allowed time, deliver to the FCC's address below, a written request (letter or email) specifying the nature of the request and providing relevant verified supporting documentation. After 15-days, you will be deemed to have waived any right not exercised, and any notice that you may receive later does not extend or renew that period.

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Fourth, under 31 USC 3711(g), without further notice, and usually within 180 days or less of Delinquency, we will transfer the Delinquent Debt to Treasury, which will (a) initiate collection action through private collection activities and (b) assess additional charges. In addition, we may refer the debt to DOJ, which may result in litigation and additional costs.



Federal Communications Commission
 Washington, D.C. 20554
Demand Letter

Print Date: 05/29/2013

Notice Number: 1

To: Fireweed Communications LLC
Account: 0010172179
Address: Fireweed Communications LLC
 7200 Alafna Av.
 Anchorage, AK 99516
Contact Name: Mr Jeremy D Lansman
Contact Phone: 9072506666

Remittance Information
Remit To: Federal Communications Commission
 Regulatory Fees
 P.O. Box 979088
 St. Louis, MO 63197-9000

Contact Name:
Contact Phone:

Change of Address _____

<u>Bill Date/ Due Date</u>	<u>Bill Number</u>	<u>Principal Amount</u>	<u>DCIA Amount</u>	<u>Admin. Charges Amt</u>	<u>Penalty Amount</u>	<u>Payments/ Discounts Received</u>	<u>Total Due</u>
5/29/2013 9/13/2012	BRF R12T021490 1	\$385.00	\$19.96	\$50.00	\$96.25		\$551.21
Grand Total:							\$551.21

Information for BRF R12T021490

This Demands payment of a Debt owed to the United States. It Notifies you of (a) important information about the nature of the Debt, (b) your rights, (c) consequences for failing to pay, (d) our attempt to reach settlement, and (e) contact information.

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