

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

CORRECTED

PUBLIC NOTICE

Released: February 14, 1996

**FEE DECISIONS OF THE MANAGING
DIRECTOR AVAILABLE TO THE PUBLIC**

The Managing Director is responsible for fee decisions in response to requests for waiver or deferral of fees as well as other pleadings associated with the fee collection process. On a monthly basis, a public notice of these fee decisions is published in the FCC record.

The decisions are placed in general docket 86-285 and are available for public inspection. A copy of the decision is also placed in the appropriate docket, if one exists.

The following Managing Director fee decisions are released for public information:

Aldredge, Robert L./Radio Stations KFLM(FM) & KAWA(AM) - Request for waiver of FY 1994 regulatory fees - **Granted** (December 1, 1995). [See FCC Notice 95-257, released July 22, 1995].

Bethalto Broadcasting Corp. - Request for waiver of FY 1994 regulatory fee - **Granted** (November 21, 1995). [See FCC 95-257, released July 22, 1995].

Birney TV Club - Request for waiver of FY 1994 regulatory fees - **Granted** (October 24, 1995). [See FCC Notice 95-257, ¶ 16, released June 22, 1995].

Cellular Phone Centers - Request for reduction of FY 1994 regulatory fees - **Dismissed** (November 1, 1995). [See FCC Notice 95-257, released July 22, 1995].

Central Virginia Broadcasting, Inc. - Request for waiver and refund of FY 1994 regulatory fees - **Dismissed** (October 12, 1995). [See FCC Notice 95-257, released July 22, 1995].

Channel 47 Limited Partnership - Request for refund of hearing fee for a station at Madison, Wisconsin - **Granted** (December 1, 1995). [See 47 C.F.R. 1.1111(b)(1)].

Chatham Broadcasting Co., Inc. of Siler City - Request for waiver and refund of FY 1994 regulatory fees - **Dismissed** (October 27, 1995). [See FCC Notice 95-257, released July 22, 1995].

Claymate, Inc. - Request for refund of filing fees submitted in connection with applications for equipment authorization - **Granted** (December 1, 1995). [See 47 C.F.R. section 1.1108(d)].

Corinthians XIII Broadcasting Co., Inc./Radio Station KROR - Request for waiver of FY 1994 regulatory fees - **Denied** (November 9, 1995). [See FCC Notice 95-257, released July 22, 1995].

Dandy Broadcasting, Inc. - Request for waiver and refund of FY 1994 regulatory fees - **Denied** (November 3, 1995). [See FCC Notice 95-257, released July 22, 1995].

Deibel, William M./WNJY-FM - Request for waiver of regulatory fees - **Dismissed** (November 3, 1995). [See FCC Notice 95-257, released July 22, 1995].

Delta Management Corp. (KADN Broadcasting) - Request for waiver of FY 1994 regulatory fees - **Granted** (September 28, 1995). [See FCC Notice 95-257, released July 22, 1995].

Eagle Valley TV Corp. - Request for waiver and refund of FY 1994 regulatory fees - **Granted** (October 30, 1995). [See FCC Notice 95-257, ¶ 16, released June 22, 1995].

Fant Broadcasting Company - Request for deferral and waiver of FY 1994 regulatory fees - **Dismissed** (November 30, 1995). [See FCC Notice 95-257, released July 22, 1995].

First Charleston Corporation - Request for waiver of FY 1994 regulatory fees - **Granted** (October 24, 1995). [See FCC Notice 95-257, ¶ 15, released June 22, 1995].

Granite Broadcasting Corp. - Request for waiver and partial refund of FY 1994 regulatory fees - **Granted** (October 30, 1995). [See FCC Notice 95-257, released July 22, 1995].

Greenacres T.V. Cable - Request for waiver of FY 1994 regulatory fees - **Dismissed** (November 21, 1995). [See FCC Notice 95-257, released July 22, 1995].

Harshman, Von A. (American Indian Broadcast Group) - Petition for waiver of FY 1994 regulatory fees - **Granted** (December 1, 1995). [See FCC Notice 95-257, ¶ 14, released June 22, 1995].

Hughes Communications Galaxy, Inc. - Request for fee determination of its ka-band satellite applications - **Determined** (September 28, 1995). [See 47 U.S.C. § 158(g)].

Inavision Broadcasting Inc. - Request for waiver of FY 1994 regulatory fees - **Dismissed** (November 9, 1995). [See FCC Notice 95-257, released July 22, 1995].

KBUX Radio - Request for waiver of FY 1994 regulatory fees - **Denied** (November 3, 1995). [See FCC Notice 95-257, released July 22, 1995].

KCGM FM Stereo/Prairie Communications, Inc. - Request for waiver and refund of FY 1994 regulatory fees - **Granted** (December 1, 1995). [See 9 FCC Rcd 5333, 5346 (1994)].

Kel Com Broadcasting Inc. - Request for partial waiver of FY 1994 regulatory fees - **Dismissed** (December 5, 1995). [See FCC Notice 95-257, released July 22, 1995].

KHOX/Mitchell Broadcasting Co., Inc. - Petition for waiver and refund of FY 1994 regulatory fees - **Denied** (October 24, 1995). [See FCC Notice 95-257, released July 22, 1995].

King Broadcasting(KBIM-AM/FM) - Request for waiver and refund of FY 1994 regulatory fees - **Dismissed** (October 10, 1995). [See FCC Notice 95-257, released July 22, 1995].

King Broadcasting Co.(KHBC-TV and KOGG-TV) - Request for reduction of FY 1994 regulatory fees - **Granted** (October 12, 1995). [See FCC Notice 95-257, ¶ 18-20, released June 22, 1995].

KLSR - Request for waiver of regulatory fees - **Dismissed** (October 6, 1995). [See FCC Notice 95-257, released July 22, 1995].

KMTR, Inc. - Request for partial waiver and refund of FY 1994 regulatory fees - **Granted** (October 24, 1995).

KNES/Freestone Broadcasting - Petition for waiver of regulatory fees - **Dismissed** (October 6, 1995). [See FCC Notice 95-257, released July 22, 1995].

KNEU/Country Gold Broadcasting, Inc. - Request for refund for overpayment of FY 1994 regulatory fees - **Granted** (October 10, 1995). [See 47 C.F.R. § 1.1159(a)(1)].

Kortes Communications, Inc. - Request for waiver of FY 1994 regulatory fees - **Denied** (November 2, 1995). [See FCC Notice 95-257, released July 22, 1995].

KPYK - Request for waiver and refund of FY 1994 regulatory fees - **Dismissed** (October 10, 1995). [See FCC Notice 95-257, released July 22, 1995].

KRFE Radio, Inc. - Request for waiver of penalty - **Granted** (October 10, 1995). [9 FCC Rcd 5333 (1994)].

KTLE-FM - Request for waiver of regulatory fees - **Dismissed** (October 6, 1995). [See FCC Notice 95-257, released July 22, 1995].

Leininger-Geddes Partnership - Request for waiver of FY 1994 regulatory fees - **Denied** (October 13, 1995). [See FCC Notice 95-257, released July 22, 1995].

Madison County Broadcasting Co., Inc./KFTW-AM and KYLS-FM - Request for waiver of FY 1994 regulatory fees - **Partial Grant** (October 27, 1995). [See FCC Notice 95-257, released July 22, 1995].

Marsh Media, Inc. - Request for waiver of FY 1994 regulatory fees - **Partial Grant** (October 27, 1995). [See FCC Notice 95-257, ¶ 18-20, released June 22, 1995].

McKesson Corp. - Request for reduction in regulatory fees - **Denied** (October 17, 1995). [9 FCC Rcd 5333, 5338 (1994)].

McLain, Billy R./Radio Station WVOM - Request for waiver of FY 1994 regulatory fees - **Denied** (November 9, 1995). [See FCC Notice 95-257, released July 22, 1995].

McMullen Broadcasting Company, Inc. - Request for waiver and refund of FY 1994 regulatory fees - **Dismissed** (October 24, 1995). [See FCC Notice 95-257, released July 22, 1995].

Miami Valley Christian Broadcasting Association - Request for refund of overpayment of FY 1994 regulatory fees - **Granted** (October 24, 1995). [See 47 C.F.R. § 1.1159(a)(1)].

Miles City Broadcasting Corp. - Request for waiver of regulatory fees - **Dismissed** (October 10, 1995). [See FCC Notice 95-257, released July 22, 1995].

Montana Uplink Corp. - Request for waiver of FY 1994 regulatory fees - **Dismissed** (November 9, 1995). [See FCC Notice 95-257, released July 22, 1995].

National Association of Broadcasters - Petition for waiver of FY 1995 regulatory fees for all broadcast stations licensed to the United States Virgin Islands - **Deferral** (October 5, 1995). [See FCC Notice 95-257, ¶ 18-20, released June 22, 1995].

Nicol Broadcasting, Ltd. - Request for waiver of regulatory fees - **Dismissed** (October 10, 1995). [See FCC Notice 95-257, released July 22, 1995].

Omega Broadcasting Corp. - Request for waiver of FY 1994 regulatory fees - **Granted** (October 6, 1995). [See FCC Notice 95-257, ¶ 15, released June 22, 1995].

Pine to Prairie Broadcasting, Inc. - Petition for waiver of FY 1994 regulatory fees - **Dismissed** (November 7, 1995). [See FCC Notice 95-257, released July 22, 1995].

Public Interest Corp. - Request for reduction and partial refund of FY 1994 regulatory fees - **Dismissed** (November 30, 1995). [See FCC Notice 95-257, released July 22, 1995].

Radio Station KIRC/One Ten Broadcast Group - Request for refund of overpayment of FY 1994 regulatory fees - **Granted** (October 27, 1995). [See FCC 47 C.F.R. 1.115(a)(1)].

Red River Broadcasting - Request for reduction of FY 1994 regulatory fees - **Granted** (October 17, 1995). [See FCC Notice 95-257, ¶ 18-20, released June 22, 1995].

Shawnee Broadcasting, Inc./South Webster Broadcasting, Inc. - Request for waiver of FY 1994 regulatory fees - **Dismissed** (October 10, 1995). [See FCC Notice 95-257, released July 22, 1995].

Shepherd, David J. - Request for refund of hearing fee for a new station at Dublin, Texas - **Granted** (December 1, 1995). [See 47 C.F.R. 1.1111(b)(1)].

Silent Minority Group, Inc. - Request for deferment of FY 1994 regulatory fees - **Granted** (December 5, 1995). [See 47 C.F.R. § 1.1163].

Stereo 97, Inc. - Request for waiver of regulatory fees - **Dismissed** (October 12, 1995). [See FCC Notice 95-257, released July 22, 1995].

Stone Communications, Inc. - Request for waiver of filing fee - **Dismissed** (December 11, 1995). [See FCC Notice 95-257, released July 22, 1995].

UN2JC Communications, Ltd. - Requests for waiver and refund of FY 1994 regulatory fees - **Dismissed** (October 6, 1995). [See FCC Notice 95-257, released July 22, 1995].

Ventana Enterprises - Request for waiver and refund of FY 1994 regulatory fees - **Denied** (October 24, 1995). [See FCC Notice 95-257, released July 22, 1995].

WDBB-TV (formerly Channel 17 Associates, LTD) - Request for waiver of FY 1994 regulatory fees - **Dismissed** (October 11, 1995). [See FCC Notice 95-257, released July 22, 1995].

Withers, Jr., W. Russell - Petition for waiver or reduction of FY 1994 regulatory fees - **Reduction Granted** (August 4, 1995). [See FCC Notice 95-257, ¶ 18-20, released June 22, 1995].

WJOC-AM and WSDT-AM - Request for waiver and refund of FY 1994 regulatory fees and penalty - **Partial Grant** (October 6, 1995). [See FCC Notice 95-257, released July 22, 1995].

WGV Television Corp. - Request for waiver and refund of FY 1994 regulatory fees - **Denied** (October 13, 1995). [See FCC 47 C.F.R. 1.115(a)(1)].

Young & Jatlow - Request for clarification of the interim filing fee requirement established for fixed Ka-band applicants - **Clarified** (October 19, 1995). [See FCC Notice 56031 released September 28, 1995].

NOTE: ANY QUESTIONS REGARDING THIS REPORT SHOULD BE DIRECTED TO THE PREPARER, CLAUDETTE PRIDE, CHIEF, FEE SECTION ON (202) 418-1995.

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

OCT 1 9 1995

Francis L. Young, Esquire
Young & Jatlow
2300 N Street, N.W.
Suite 600
Washington, D.C. 20037

Dear Mr. Young:

This is in response to your request seeking clarification of the interim filing fee requirement that the Managing Director established for fixed Ka-band applicants.

The Managing Director's interim fee requirement permits Ka-band applicants to file a single fee payment for each orbital location they request to occupy rather than a "per space station fee" pursuant to sections 1.1107(9)(a) and (b) of the Commission's rules. See letter to John P. Janka, Esquire from Andrew S. Fishel, Managing Director, dated September 28, 1995; see also Interim Filing Fee Established for Ka-band Satellite Applications, Public Notice 56031, released September 28, 1995.

You state that you represent an applicant for four Ka-band space stations, requesting authorization to operate at four orbital locations with a single space station assigned to each orbital location. Your client filed fees for this system prior to the Managing Director's public announcement of the interim fee and in the amount required under the current statutory fee schedule geostationary for space segments.

You request clarification that the interim fee requirement does not apply to applicants that filed their fee payment pursuant to the statutory fee schedule and, also, clarification that such applicants are not required to submit an acknowledgement that they will make any additional fee payments that may later be required. See 47 U.S.C. § 158(g).

The interim fee payment was established to provide tentative relief for Ka-band applicants proposing to locate multiple satellites at individual orbital locations. It was not intended to replace the statutory fee schedule, as modified in the rules, for geostationary Ka-band applicants whose systems contemplate a single space segment positioned at an orbital location. Thus, no Ka-band applicant was required to file a fee payment based on the interim fee requirement and no applicant that has filed its fees

Francis L. Young, Esquire
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pursuant to the existing rules will be required to file a statement representing that it will submit any additional fee payments.

I hope the foregoing is fully responsive to your concerns in this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Andrew S. Fishel". The signature is written in a cursive style with a large initial "A".

Andrew S. Fishel
Managing Director

YOUNG & JATLOW
2300 N STREET, N. W.
SUITE 600
WASHINGTON, D. C. 20037

DAVID C. JATLOW
FRANCIS L. YOUNG*
*ADMITTED IN TEXAS

TELEPHONE
(202) 663-9080
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(202) 331-8001

October 3, 1995

Andrew S. Fishel
Managing Director
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Mr. Fishel:

By Public Notice 56031, dated September 28, 1995, you announced establishment of an interim filing fee payment for fixed Ka-band satellite applications. Specifically, you stated that applicants requesting authorizations for three orbital locations, regardless of the number of satellites proposed, should submit three payments to construct and three additional payments to launch and operate its space stations.

In addition it was stated that any Ka-band applicant submitting an interim fee payment should also file a cover letter stating it was submitting an interim payment and that it will submit any further payment if required by the Commission.

Applicants have previously filed Ka-band applications which have been accepted for filing. Fees were filed in accordance with the statutory fee schedule. Applicant's meeting the September 29, 1995 deadline had to prepare their applications prior to release of the subject Public Notice. (The Public Notice was a "Late Release" and not distributed until September 29, 1995. In order to meet the filing deadline in Pittsburgh filings generally have to be sent at least one day prior to a filing deadline. Thus, in this case, applications would have to have been prepared prior to release of the subject Public Notice.)

This firm filed on behalf of one of its client a Ka-band application. Fees were calculated pursuant to the current statutory fee schedule. The application proposed a total deployment of four satellites in four orbital locations. Under these circumstances it does not appear that the proposed interim fee proposals apply to our client.

It is requested that a Clarification be adopted stating that the interim fee proposals do not apply to applicants

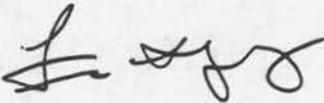
proposing single satellite deployments per orbital location and that the proposed cover letter commitment is not required in such circumstances. This request is not to be interpreted as acceptance that the current fee schedule is reasonable and is not a waiver of our clients' rights to seek reduction and refunds of fees paid. At this time we do not offer any comments on the interpretation of the current fee filing requirements you have established as set forth in the subject Public Notice.

Your prompt consideration of the request for clarification is requested. In addition it is requested that you review your procedures to assure that any interpretations or rule changes are adopted in a timely manner. Adoption of changes at the last moment are not in the public interest and may adversely affect parties without due process. Remedial actions in such cases are unnecessarily costly and delay efficient delivery of services to the public.

If further information is required please do not hesitate to contact the undersigned.

Respectfully submitted,

Francis L. Young



cc: James B. Mullins, OGC

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

SEP 28 1995

John P. Janka, Esquire
Latham & Watkins
1001 Pennsylvania Avenue, N.W.
Washington D.C. 20004-2505

Dear Mr. Janka:

This is an initial response to your letter, dated September 19, 1995, requesting, on behalf of Hughes Communications Galaxy, Inc. (Hughes), a determination of the appropriate filing fee payment due for its Ka-band (17.7-20.2/27.5-30GHz) satellite applications.

A further and more comprehensive response to the issues raised in your request will be forthcoming shortly. However, because applications for Ka-band satellites are to be filed by September 29, 1995, we believe an initial response is required.

In view of the evolution in geostationary satellite technology and the multiple geostationary space stations that Hughes and other Ka-band applicants may propose to deploy in their systems, the International Bureau's Satellite staff has tentatively concluded that the "per space station" fee formulation, currently mandated by Congress' filing fee schedule for all geostationary space stations, may not be suitable for this fixed service in the Ka-band. See 47 U.S.C. § 158(g). We agree and, therefore, we expect that the Commission will request an amendment to the Congressionally imposed fee schedule in order to modify the fee payment amount required for Ka-band space station applications. Because it is premature to determine the nature of any proposed filing fee modification, we believe that interim relief from the requirement to file a "per space station" fee payment is appropriate in order to avoid unnecessary hardship on the applicants. This action will afford the Commission time to determine its future course of action, including an opportunity to seek Congressional amendment of the fee schedule as it now applies to geostationary space stations.

In this connection, an interim fee payment for Ka-band satellite applications, based upon the total number of orbital locations that an applicant proposes to occupy, should be filed along with underlying applications no later than September 29, 1995. Under this interim formulation, Hughes and other Ka-band satellite applicants should submit a filing fee payment of \$2,330 per orbital location (Payment Code BBY) to cover their applications for authority to construct and an additional fee payment of

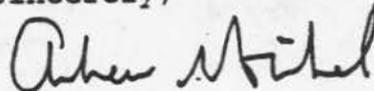
Mr. John P. Janka, Esquire
Page 2

\$80,360 per orbital location (Payment Code BNY) for authority to launch and operate Ka-band satellites at each orbital location, regardless of how many space stations are proposed for operation. Thus, if an applicant requests authorization for nine satellites to operate at three orbital locations, it should submit three fee payments to construct and three additional fee payments to launch and operate its space stations, totalling \$248,070.

Any applicant submitting an interim fee payment, as described above, should also file with its check and Form 159 a cover letter stating that it is making an interim payment and that it will submit any further payment, if required by the Commission, within thirty (30) days of notification from the Commission that an additional payment remains due.

If you have any questions regarding the foregoing, please contact Thomas M. Holleran of my staff at (202) 413-1925.

Sincerely,



Andrew S. Fishel
Managing Director



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
1919 M STREET N.W.
WASHINGTON, D.C. 20554

56031

News media information 202/418-0500 Recorded listing of releases and texts 202/418-2222

SEP 28 1995

INTERIM FILING FEE PAYMENT ESTABLISHED FOR Ka-BAND SATELLITE APPLICATIONS

The Managing Director has established an interim filing fee payment for fixed Ka-band (17.7-20.2/27.5-30) satellite applications, based upon the total number of orbital locations that an applicant proposes to occupy. This action will afford the Commission an opportunity to determine whether to seek congressional amendment of the statutory filing fee schedule, as it now applies to geostationary space stations, because of the evolution in geostationary satellite technology and the multiple geostationary space stations that Ka-band applicants are anticipated to deploy in their systems.

The interim payment should be filed, along with underlying applications, no later than September 29, 1995. Ka-band satellite applicants should submit a filing fee payment of \$2,330 per orbital location (Payment Code BBY) to cover their applications for authority to construct and an additional fee payment of \$80,360 per orbital location (Payment Code BNY) for authority to launch and operate Ka-band satellites at each orbital location, regardless of how many space stations are proposed for operation. Thus, for example, if an applicant requests authorization for nine satellites to operate at three orbital locations, it should submit three fee payments to construct and three additional fee payments to launch and operate its space stations, totalling \$248,070.

Any Ka-band applicant submitting an interim fee payment, as described above, should also file with its check and Form 159 a cover letter stating that it is making an interim payment and that it will submit any further payment, if required by the Commission, within thirty (30) days of notification from the Commission that an additional payment remains due.

For further information, see letter to John P. Janka, Esquire from Andrew S. Fishel, Managing Director, dated September 28, 1995. Questions regarding the foregoing should be directed to Thomas M. Holleran, Deputy Associate Managing Director for Operations (202) 418-1925.