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Federal Communications Commission
Washington, D.C. 20554

Diane St. Marie
St. Marie Communications, Inc.
P.O. Box 1066
Gold Beach, OR 97444

Licensee/Applicant: **St. Marie Communications, Inc.**

Waiver and Refund of Regulatory Fee Request

Disposition: **Dismissed and Denied** (47 C.F.R. §§ 1.1157(c) and 1.1164)

Stations: KGBR

Fee: Fiscal Year (FY) 2016 Regulatory Fee

Date Request Filed: Sep. 27, 2016

Date Regulatory Fee Paid: September 22, 2016

Fee Control No.: RROG-PGC2873916

Dear Ms. St. Marie:

This responds to the request (Request) of St. Marie Communications, Inc. (St. Marie) for a waiver and refund of the Fiscal Year (FY) 2016 regulatory fees it paid.¹ For the reasons stated below, we dismiss and deny Request.

St. Marie submitted its request on September 27, 2016 after having timely paid its Fiscal Year (FY) 2016 regulatory fees on September 22, 2016.² In its Request, asserts financial hardship to justify the waiver, stating that since its inception in 2008, its income has dropped by approximately \$50,000, requiring the station to lay off two employees and utilize its capital reserve for operating expenses and equipment upgrade and replacement. The Request does not include any financial documentation evidencing St. Marie's assertion of financial hardship.

First, the Requests fail on procedural grounds, because the Real Alloy entities failed to provide any documentation supporting their assertion of financial hardship. As the Commission

¹ Letter from Diana St. Marie, St. Marie Communications, Inc., P.O. Box 1066, Gold Beach Oregon 97444 to Marlene H. Dortch, Secretary, FCC, 445 12th St. S.W., Washington, DC 20554 (September 21, 2016, *rec'd* Sept. 27, 2016) (*Request*). Although St. Marie does not explicitly request a refund, we will treat the Request as a request for waiver and refund of any regulatory fees paid that are waived by this decision.

² See Effective Date of FY 2016 Regulatory Fees and Multi-Year Wireless Fees, *Public Notice* (September 22, 2016) (establishing September 27, 2016 as the deadline by which FY 2016 regulatory fees must be paid).

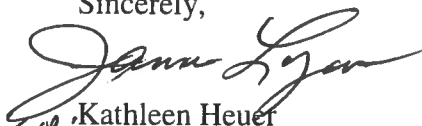
has stated, it is “incumbent upon each regulatee to fully document its financial position and show that it lacks sufficient funds to pay the regulatory fee and to maintain its service to the public.”³ Accordingly, the Request is dismissed.

As an alternative and independent basis for our decision, we deny the Request on the merits. The Commission recognizes that in certain instances, payment of a fee may impose an undue financial hardship upon a licensee, and it may be waived, reduced or deferred upon a showing of good cause and a finding that the public interest will be served thereby.⁴ The Commission has narrowly 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.⁵ The required showing of financial hardship is more than mere allegations of financial hardship, standing alone.⁶ Rather, as the Commission has held, “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.”⁷ Relevant financial documents a licensee should produce to support a financial hardship waiver request include the 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), and a list of the licensee’s officers and their individual compensation, or similar information. On this information, the Commission considers on a case-by-case basis whether the licensee has met the requisite standard for a waiver based on financial hardship.⁸

In failing to provide the required documentation, St. Marie has failed to meet its burden of showing extraordinary and compelling circumstances outweighing the public interest and justifying a waiver of St. Marie’s Fiscal Year (FY) 2016 regulatory fee obligation. Accordingly, the Request is denied on the merits.

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

Sincerely,


FOR: Kathleen Heuer
Chief Financial Officer

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⁴ 47 C.F.R. §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 the 1994 Fiscal Year, *Report and Order*, 9 FCC Rcd 5333, 5344 (1994), *recon. denied*, 10 FCC Rcd 12759 (1995) (1994 *Report and Order*).

⁵ 1994 *Report and Order*, 9 FCC Rcd at 5344.

⁶ *Id.*, 10 FCC Rcd at 12761-62.

⁷ *Id.*

⁸ *Id.*