



MAY 08 2019

**Federal Communications Commission  
Washington, D.C. 20554**

Mark D. Weller  
Assistant General Counsel  
Real Alloy  
3700 Park East Drive  
Suite 300  
Beachwood, Ohio 44122

Licensees/Applicants: **Real Alloy Specification, Inc., Real Alloy Recycling, Inc., Real Alloy**  
Waiver Request: Late Payment Penalty  
Disposition: **Dismissed** (47 C.F.R. §§ 1.1118, 1.1119)  
Fee: Form 603 Application Fee  
Date Request Filed: April 23, 2018  
Date Application Fees Paid: April 18 and 19, 2018  
Date Late Penalty Fee Paid: N/A  
Fee Control No.: RROG- PGC3085510, PGC3084896,  
PGC3084876

Dear Mr. Weller:

This responds to the requests of Real Alloy Specification, Inc., Real Alloy Recycling, Inc. and Real Alloy (collectively, the Real Alloy entities) for a waiver of “any applicable late filing penalties pursuant to Section 1.948(c)(2)” in connection with the Real Alloy entities’ filing of Forms 603 more than thirty (30) days after the Real Alloy entities filed bankruptcy (collectively, the Requests)<sup>1</sup>. For the reasons stated below, we dismiss the Requests as unnecessary.

Under 47 U.S.C. § 158 and the Commission’s implementing rules, we are required to “assess and collect application fees” for certain applications and other requests for benefits filed with the Commission, including applications for transfers of control.<sup>2</sup> An applicant is required to submit payment of the fee when its application is filed and failing that, the application will be dismissed<sup>3</sup> or if more than thirty days has passed and the

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<sup>1</sup> Letters from Mark D. Weller, Real Alloy, 3700 Park East Drive, Suite 300, Beachwood, Ohio 44122, to Marlene H. Dortch (April 18, 2018, *rec’d* April 23, 2016) (the *Requests*). The Requests are identical to one another; we will therefore treat them as one for the purpose of rendering this decision.

<sup>2</sup> 47 U.S.C. § 158(a)(1); 47 C.F.R. §§ 1.1101 and 1.1102.

<sup>3</sup> 47 U.S.C. § 1.1111(d)(1).

application has not been dismissed, the application will be retained and the Commission will assess a twenty five percent (25%) late fee on the unpaid application fee.<sup>4</sup>

Licensees seeking to transfer control of themselves must apply to the Commission for authorization to do so.<sup>5</sup> Under the Commission's rules the bankruptcy filing by a licensee triggers an involuntary transfer of control of the licensee, requiring the licensee to file an FCC Form 603 application seeking the Commission's consent to such transfer within thirty days of the bankruptcy filing.<sup>6</sup>

The Real Alloy entities filed bankruptcy under Chapter 11 on November 17, 2017<sup>7</sup> but did not file Form 603 applications until well after the 30 days deadline for doing so. Had the Real Alloy entities failed to pay the required application fees when they belatedly filed their Form 603 applications, the Commission would have dismissed their applications or assessed the twenty five percent (25%) late payment penalty required under statute and Commission regulation. Because the entities paid the required application fees when they filed their applications, the Commission did not assess a late payment penalty against the Real Alloy entities. Accordingly, the Requests are dismissed as unnecessary.

Sincerely,



*For:* Kathleen Heuer  
Chief Financial Officer

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<sup>4</sup> The Real Alloy entities erroneously cite Section 1.948 of the Commission's rules as the basis for any late payment penalty. The Commission's authority to assess the twenty five percent (25%) penalty for late payment of an application fee is found in 47 U.S.C. § 158(c)(1) and 47 C.F.R. § 1.1111(d)(2).

<sup>5</sup> 47 C.F.R. § 1.948(a).

<sup>6</sup> 47 C.F.R. § 1.948(g).

<sup>7</sup> *Requests.*