

Larry D. Perry, Esq.
11464 Saga Lane
Knoxville, Tennessee 37931-2819

May 13, 2021

Licensee/Applicant: New Visalia Broadcasting Inc.
Call sign: KSLK(FM)
Fee Reduction Requests: FYs 2010, 2012 and 2013
Disposition: Dismissed and Denied (47 U.S.C. § 159(d),¹
47 CF. §§ 1.1164, 1.1166, and 1.1910)
Date Requests Filed: July 26, 2013 and September 24,
2013
Date Regulatory Fees Paid: not paid
Date Late Penalties Paid: not paid
Fee Control Nos.: RROG-2013-15302 & RROG-2013-
15413

Dear Mr. Perry:

This responds to the request you filed on behalf of your client New Visalia Broadcasting Inc. (New Visalia) for a reduction of the regulatory fees assessed against New Visalia for Fiscal Years (FYs) 2010 and 2012 (the FY 2010/2012 Request)² and the request you filed on New Visalia's behalf for a reduction of its FY 2013 regulatory fees (the FY 2013 Request).³ For the reasons stated below, we dismiss and deny the FY 2010/2012 Request and we dismiss the FY 2013 Request.

FY 2010/2012 Request

Counsel filed the FY 2010/2012 Request in the form of an email, sent to the Federal Communication Commission's Financial Operations Group help desk on July 26, 2013. In it, New Visalia requests a pro rata reduction of its FY 2010 and FY 2012 regulatory fees to reflect the number of months in each of those years that the station was off the air. At the time the FY 2010/2012 Request was filed, New Visalia was on "red light" because it had not paid its FY 2010 or FY 2012 regulatory fees.

Under 47 U.S.C. § 159 and the Commission's implementing rules, we are required to "assess and collect regulatory fees" to recover the costs of the Commission's regulatory activities.⁴ Each year, the Commission establishes the final day on which payment of the annual regulatory fee must be received before it is considered late. The deadlines for payment of New Visalia's FY 2010 and FY 2012 regulatory fees were, respectively, August 31, 2010 and September 13, 2012.⁵

¹ 47 U.S.C. § 159(d) is now codified at 47 U.S.C. § 159A(d).

² Letter from Larry D. Perry, 11464 Saga Lane, Knoxville, TN 37931-2819, to Office of Managing Director (Sept. 16, 2013, *rec'd* Sept. 24, 2013) and July 26, 2013) (FY 2010/2012 Request).

³ Email from larryperry11@comcast.net to ARINQUIRIES (FY 2013 Request).

⁴ 47 U.S.C. § 159(a)(1); 47 C.F.R. § 1.1151.

⁵ *Payment Methods and Procedures for Fiscal Year 2010 Regulatory Fees*, Public Notice, 25 FCC Rcd 10670 (OMD2010) and *FY 2012 Regulatory Fees Due No Later Than September 13, 2012*, Public Notice, 27 FCC Rcd 9210 (OMD 2012).

We dismiss the FY 2010/2012 Request on several grounds. First, we dismiss pursuant to the Commission's red light rule, because when the FY 2010/2012 Request was filed, New Visalia had not paid its FY 2010 and FY 2012 regulatory fee debt.⁶

We also dismiss because the FY 2010/2012 Request was improperly filed. Instead of filing the 2010/2012 Request in paper form with the Commission's Secretary, to the attention of the Commission's Managing Director as section 1.1166 of our rules requires,⁷ counsel sent an email request to the Commission's Financial Operations Group help desk.

As an alternative and independent basis for our decision, we deny the FY 2010/2012 Request on the merits. New Visalia asks that we pro rate the regulatory fees assessed for FYs 2010 and 2012 because the station was dark for several months in each of those fiscal years. However, the Commission's rules clearly provide that the Commission will not pro rate annual regulatory fees,⁸ and other than bare assertions of hardship and lost revenues, New Visalia did provide any proof to show that good cause and the public interest warrant reduction of its fees.⁹

FY 2013 Request

Like its counterpart, the FY 2013 Request asks that we reduce New Visalia's FY 2013 regulatory fees to account for the fact that the station was on air only one month during that fiscal year.¹⁰ However, on October 24, 2013, one month after the request was filed, the Media Bureau issued a decision finding that New Visalia's license had expired on April 5, 2013 as a matter of law.¹¹ Accordingly, the FY 2013 regulatory fee assessed against New Visalia is cancelled, and the FY 2013 Request is dismissed as unnecessary.

If New Visalia has any questions concerning this matter, please call the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



James Lyons
Deputy Chief Financial Officer

⁶ 47 CFR §§ 1.1164, 1.1910.

⁷ 47 CFR § 1.1166.

⁸ 47 CFR § 1.1160(b).

⁹ *Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, Memorandum Opinion and Order, 10 FCC Rcd 12759, 12761-62, para. 13 (1995).

¹⁰ FY 2013 Request.

¹¹ *KSLK(FM), Visalia, CA*, Letter Order, Ref. 1800B3-DW (MB Oct. 24, 2013). The Commission affirmed the Media Bureau's finding that the license had expired as a matter of law on April 21, 2014. *New Visalia Broadcasting, Inc.*, Memorandum Opinion and Order, 29 FCC Rcd 9744 (2014).