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

Federal Communications Commission  
Office of the Secretary

In the Matter of ) EB Docket No. 03-152

**WILLIAM L. ZAWILA** )

Facility ID No. 72672

Permittee of FM Station KNKS,  
Coalinga, California )

DOCKET FILE COPY ORIGINAL

**AVENAL EDUCATIONAL SERVICES,  
INC.** )

Facility ID No. 3365

Permittee of FM Station KAAX,  
Avenal, California )

**CENTRAL VALLEY EDUCATIONAL  
SERVICES, INC.** )

Facility ID No. 9993

Permittee of FM Station KYAF,  
Firebaugh, California )

**H. L. CHARLES D/B/A FORD CITY  
BROADCASTING** )

Facility ID No. 22030

Permittee of FM Station KZPE,  
Ford City, California )

**LINDA WARE D/B/A LINDSAY  
BROADCASTING** )

Facility ID No. 37725

Licensee of FM Station KZPO,  
Lindsay, California )

To: Marlene H. Dortch, Secretary  
Attn: The Commission

**ENFORCEMENT BUREAU'S MOTION FOR LEAVE TO FILE A REPLY TO THE  
ZAWILA PARTIES' EXCEPTIONS TO SUMMARY DECISION**

1. On August 10, 2017, the Presiding Judge granted summary decision against

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William L. Zawila (Zawila), H.L. Charles Broadcasting d/b/a Ford City Broadcasting (FCB), and Linda Ware d/b/a Lindsay Broadcasting (LB) (collectively, the Zawila Parties).<sup>1</sup> The Presiding Judge's order terminated the proceeding and certified it to the Commission.<sup>2</sup>

2. On September 8, 2017, the Commission apparently received a pleading entitled "Exceptions to the Summary Decision of Chief Administrative Law Judge Richard L. Sippel (FCC 17M-28)" (Zawila Parties' Exceptions).<sup>3</sup> This pleading was directed to the "Chairman and Commissioners of the Federal Communications Commission" – it was not directed to the Commission's Office of the Secretary.<sup>4</sup> This document does not appear on the Commission's Electronic Comment and Filing System (ECFS) and was not served upon counsel for the Enforcement Bureau (Bureau).<sup>5</sup> It is also unclear how this document was delivered to the Commission as it fails to include a proof of service.<sup>6</sup> On October 30, 2017, counsel for the Bureau received an email from the Presiding Judge's law clerk enclosing the Zawila Parties' Exceptions.<sup>7</sup> This is the first Bureau counsel learned of the existence of the Zawila Parties' Exceptions.

3. Pursuant to Section 1.277(c) of the Commission's rules, replies to exceptions are ordinarily filed within ten (10) days after the time for filing exceptions has expired.<sup>8</sup> The time for filing exceptions in the above-captioned matter expired on September 11, 2017 – 30 days

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<sup>1</sup> See *Summary Decision of Chief Administrative Law Judge*, FCC 17M-28 (ALJ, rel. Aug. 10, 2017).

<sup>2</sup> See *id.* at 17.

<sup>3</sup> See *Exceptions to the Summary Decision of Chief Administrative Law Judge Richard L. Sippel* (FCC 17M-28), received by the Commission on Sept. 8, 2017, filed herewith as Exhibit 1.

<sup>4</sup> See *id.* at 1.

<sup>5</sup> See 47 C.F.R. § 1.211 ("all pleadings in a hearing proceeding shall be served upon all other counsel in the proceeding"); see also 47 C.F.R. § 1.47(c) (requiring that Commission counsel who formally participate in any proceeding be served and instructing the parties that "[t]he filing of a document with the Commission does not constitute service upon Commission counsel").

<sup>6</sup> See 47 C.F.R. § 1.211 (requiring all pleadings in a hearing proceeding to be accompanied by a proof of service).

<sup>7</sup> See Email from Rachel Funk to Pamela Kane and Michael Engel, dated Oct. 30, 2017, filed herewith as Exhibit 2.

<sup>8</sup> See 47 C.F.R. § 1.277(c).

after the date of the August 10, 2017 public release of the Presiding Judge's summary decision order.<sup>9</sup> Thus, any replies to properly-filed exceptions would have been due September 21, 2017.

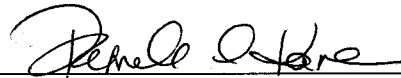
4. Although it is unclear whether the Zawila Parties' Exceptions should even be considered as "filed" with the Commission since it was neither filed electronically on ECFS nor directed to the Commission's Office of the Secretary, should the Commission decide to consider the Zawila Parties' Exceptions, the Bureau believes it is in the public interest for the Commission to have a complete and accurate record. Accordingly, the Chief, Enforcement Bureau, through her attorneys, hereby respectfully requests leave to file a reply to the Zawila Parties' Exceptions by November 9, 2017 – within ten days (10) after the date it first learned of the existence of the Zawila Parties' Exceptions. A copy of the Bureau's Reply is filed concurrently with this Motion.

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<sup>9</sup> See 47 C.F.R. § 1.276(a).

Respectfully submitted,

Rosemary Harold  
Chief, Enforcement Bureau



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November 9, 2017

## **EXHIBIT 1**

Before the      Received & Inspected  
Federal Communications Commission  
Washington, DC 20554    SEP 08 2017

FCC Mailroom

In the Matter of	)	EB Docket No. 03-152
	)	
<b>WILLIAM L. ZAWILA</b>	)	Facility ID No. 72672
	)	
Permittee of FM Station KNKS	)	
Coalinga, California	)	
	)	
<b>AVENAL EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 3365
	)	
Permittee of FM Station KAAX,	)	
Avenal, California	)	
	)	
<b>CENTRAL VALLEY EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 9993
	)	
Permittee of FM Station KYAF,	)	
Firebaugh, California	)	
	)	
<b>H. L. CHARLES d/b/a FORD CITY BROADCASTING</b>	)	Facility ID No. 22030
	)	
Permittee of FM Station KZPE,	)	
Ford City, California	)	
	)	
<b>LINDA WARE d/b/a LINDSAY BROADCASTING</b>	)	Facility ID No. 37725
	)	
Licensee of FM Station KZPO,	)	
Lindsay, California	)	

To: Chairman and Commissioners  
of the Federal Communications  
Commission

EXCEPTIONS TO THE SUMMARY DECISION OF  
CHIEF ADMINISTRATIVE LAW JUDGE RICHARD  
L. SIPPEL (FCC 17M-28)

The Estate of Linda Ware, Cynthia Ramage, Executor, the  
Estate of H.L Charles, Robert Willing, Executor, and William L.  
Zawila hereby submit their Exceptions to above-referenced FCC 17M-28.

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## CONCISE STATEMENT OF THE CASE

This case centers around a Hearing Designation Order (FCC 03-158) that was issued more than 14 years ago on 7-16-03. This was a massive document of 36 pages with 126 paragraphs making numerous allegations against multiple parties dating back to the late 1980's. At the time that the HDO was issued, 1 party was already dead and another died shortly after its issuance. This has been a long and difficult case that has been delayed at the FCC for many years. There has never been a hearing in this matter and no evidence has ever been presented against the parties to the HDO which only contains allegations against the parties.

After years of delay at the FCC, litigation was resumed in 2015 and discovery controversies have arisen. The presiding judge recently entered a Summary Decision against the parties revoking all of their FCC authorizations based only on alleged discovery violations which the parties dispute.

The parties submit that the FCC's Character Policy Statement 102 FCC 2d 1179 (1986) at 1229 should apply to this case due to the age of this case and the inherent inequities involved in trying to defend this case.

The parties also submit that revocation of all of the parties' FCC authorizations is excessive as the parties all have good records with the FCC except for this case and have no criminal convictions. The said Character Policy Statement at 1228 says that only in the most egregious case should termination of all rights be considered.

STATEMENT OF THE QUESTIONS OF LAW PRESENTED

1. Does the FCC's Character Policy Statement 10 year limit on consideration of past conduct apply to this case? (102 FCC 2d 1179 (1986) at 1229).
2. Can the presiding judge ignore the Character Policy Statement 10 year limit and act beyond his delegated authority or jurisdiction in light of the FCC's 10 year limit policy?
3. Can the presiding judge ignore his own orders that allow parties to respond to discovery, then hold them in default and enter a Summary Decision against them?
4. Can the presiding judge in 2017 go back to 2003 and find fault with, and disregard, discovery responses when the responses were acceptable to a prior judge sitting on the case in 2003 and to prior personnel at the enforcement bureau on the case in 2003?
5. Can the presiding judge in 2017 ignore triable issues of material fact previously established in 2003 in a case under a prior judge and under prior enforcement personnel?
6. Can a Hearing Designation Order be brought against a dead person, such as Linda Ware in this case after her death, when the FCC knew she was/<sup>dead</sup>before the HDO was issued?
7. Can the presiding judge revoke all the FCC authorizations of parties who have good records with the FCC and no criminal convictions without evidence being presented and without a hearing?
8. Can the presiding judge revoke all the FCC authorizations of parties where there are only unproven allegations against their attorney in a case, no evidence has been presented, and no hearing ever held?

## EXCEPTIONS CONSOLIDATED WITH ARGUMENT

### EXCEPTION 1:

The subject Summary Decision (FCC 17M-28), in its entirety, violates FCC's established policy that FCC-related conduct which has occurred more than ten (10) years ago should not be considered, Policy Regarding Character Qualifications in Broadcast Licensing, Report, Order and Policy Statement, 102 FCC 2d 1179 (1986) at 1229 (the "Character Policy Statement").

The entirety of the alleged misconduct in this case took place more than ten (10) years ago, indeed 15 years ago or more. The Chief Administrative Law Judge (hereinafter "CALJ") lacks authority or jurisdiction to make findings or conclusions based on these ancient alleged misdeeds.

The Character Policy Statement limits consideration of past conduct that occurred more than ten (10) years ago due to the "inherent inequity and practical difficulty" involved in requiring the accused party to defend against such ancient allegations.

The subject FCC policy is based on the common sense reasoning as adopted by the FCC that it is virtually impossible to effectively defend against stale allegations that are more than ten (10) years old due to numerous realities which preclude an effective defense. Such realities include the death of parties, witnesses and attorneys; the loss of witnesses and attorneys who are missing; the fading of memories of what few witnesses that may remain; the decline of health and onset of health issues of witnesses and parties of advanced age; the loss of documentary evidence due to the death of parties, witnesses and attorneys; the loss of documentary evidence due to the

loss of witnesses and attorneys who are missing; the loss of documentary evidence through normal business purging or attrition of files and records over the years; the diminishment and exhaustion of resources caused by long drawn out controversies with the FCC that extend for more than ten (10) years. All of these realities are present in, and adversely affect, this case.

The Character Policy Statement has been presented to the CALJ during the course of this case on several occasions and has been rejected by the CALJ. See Orders FCC 16M-05 and FCC 16M-10.

The Hearing Designation Order (hereinafter "HDO") was issued in this case on 7-16-03 after one of the parties, Linda Ware, was dead. Notwithstanding the fact that the FCC knew that Linda Ware was dead before the HDO was issued, the HDO was still issued naming Linda Ware a party with allegations against her.

The HDO alleged activities going back 15 Years to 1988 alleging party William Zawila to be a real party in interest in KZPO, or alternatively, an improper transfer of control of KZPO. This is just one example of the far-ranging allegations contained in the massive HDO consisting of 36 pages with 126 paragraphs. Similar allegations going back 1988 allege William Zawila to be a real party in interest in KZPE, or alternatively, an improper transfer of control of KZPE. Both KZPO and KZPE were originally applied for in 1988. Many other allegations were made in the HDO regarding matters concerning the subject stations that go back to their origins in the late 1980's.

It was apparent that the parties could not effectively deal with the massive scope of this matter back in late 2003 after the

HDO was issued. The parties elected to sell their stations by way of the FCC's distress sale policy which they were told by their then Washington attorney was the only way to handle this matter. The process then began with the HDO proceeding being stayed for the limited purpose of allowing the parties to file distress sale applications for their stations and to allow time for the media bureau to process these applications. The applications were filed on 2-17-04 but the FCC failed to take any action on these applications. The applications were then dismissed in January, 2005, without any action having been taken on these applications.

While the parties did not request any further stay of this matter after the above-mentioned applications were dismissed in January, 2005, there then followed a lengthy period of no action in this matter by the FCC. The matter of this delay in this proceeding is outlined on pages 5 and 6 of the parties' Opposition to Motion for Summary Decision filed on or about 8-16-16 in this case.

This case was inactive at the FCC until the CALJ announced in January, 2009, that he was taking over this case from the prior judge who had been handling it since 2003. Thereafter, nothing happen for almost 6 years when in November, 2014, the CALJ requested a status report from the parties and litigation then resumed in this case.

The HDO rests entirely on character allegations against William Zawila, the parties' attorney and himself a party in this case. The HDO has virtually no allegations against the other parties and focuses only on William Zawila.

The extended delay that has occurred in this case has caused

extreme prejudice to the parties. With the passage of time, the age of this case, and the delay that has occurred in this matter 2 parties are dead, two attorneys who previously represented the parties are dead, a number of key witnesses are dead, other key witnesses are missing and their whereabouts are unknown, documentary evidence in the hands of the dead parties, dead attorneys, dead witnesses and missing witnesses is lost and unavailable. This impossible situation has caused much of the discovery difficulty in this case. Information and documents simply cannot be provided when such material is not available.

The ten year limit in the Character Policy Statement discussed above was established to avoid having the grossly and inherently inequitable situation that exists in this case. Considering that the HDO is more than 14 years old and it inquires into matters that go back almost 30 years to the late 1980's, the inequity in this case is quite apparent.

Except for this case, the parties have a good record with the FCC with no fines or sanctions and have no criminal convictions. Even in this case, there has been no evidence presented against the parties as there has never been a hearing in this case.

#### EXCEPTION 2:

The Summary Decision (FCC 17M-28) is excessive and unwarranted with respect to its revocations of KZPO, KZPE, and KNKS. It is in conflict with the FCC's policy expressed in the above-referenced Character Policy Statement at page 1228 where the FCC states: "Only in the most egregious case need termination of all rights be considered."

As noted above, except for this case, the parties have a good record with the FCC with no fines or sanctions and have no criminal convictions. There has been no evidence presented against the parties as there has never been a hearing in this case. There are only bare allegations in the HDO.

Alleged discovery violations, including requests for admission, which the parties dispute as discussed hereinafter, are being used by the enforcement bureau (hereinafter "EB") and the CALJ as their basis to attempt to enter a summary decision against the parties and to revoke the parties' FCC authorizations.

The summary decision order is suspect itself as it says at paragraph 2 on page 2 that the exclusive basis for the summary decision order revoking the parties FCC authorizations is allegedly failing to respond to requests for admission that were served on the parties on July 29, 2015, a date on which no requests for admission were ever served on the parties as discussed hereinafter.

The summary decision order is largely a personal attack on William Zawila as it does not even mention Linda Ware or her executor Cynthia Ramage or H.L. Charles or her executor Robert Willing.

AS TO KZPO, ESTATE OF LINDA WARE, CYNTHIA RAMAGE, EXECUTOR -

The HDO was never amended to bring in Cynthia Ramage as a party to this case. No allegations of any kind have ever been made against Cynthia Ramage.

KZPO has always been owned by a female first-time broadcaster. First, by Linda Ware until her death and then by Cynthia Ramage as executor of Linda Ware's estate. Neither Linda Ware nor Cynthia Ramage have ever been fined or sanctioned by the FCC for any reason

or have any criminal convictions.

During her lifetime, Linda Ware had a good record with the FCC. She applied for and built KZPO and put it on the air on 1-30-98.

After going on the air on 1-30-98, KZPO has continuously served its city of license, Lindsay, California, as its only local radio service for 20 years and it remains on the air serving the general public in Lindsay, California, and its surrounding area.

KZPO continues to broadcast the same nostalgia format selected by Linda Ware 20 years ago when she put the station on the air.

Cynthia Ramage continues to operate KZPO with the policies and commitment to serving KZPO's local community as established by Linda Ware when she put KZPO on the air.

Silencing KZPO would seriously work against the public interest as it exists in the KZPO service area.

Long time listeners who rely on KZPO would be hurt. KZPO has a unique senior, disabled, handicapped and older audience due to its programming that appeals to such an audience.

Creditors would be hurt.

Advertisers with products and services that are aimed at KZPO's unique listening audience would be hurt as there is no other similar local station that caters to KZPO's unique audience.

The misguided view that William Zawila somehow secretly acquired KZPO from Linda Ware at some unknown time in some unknown manner at some unknown location for unknown reasons is patently and completely without merit. First and foremost, there is no motive for Mr. Zawila to engage in such sinister activity with Linda Ware. As the FCC knows, Mr. Zawila was a licensee when Linda Ware applied for KZPO.

Mr. Zawila could just as easily have applied for KZPO but he has no interest in acquiring KZPO.

At all times during her lifetime, Linda Ware owned and operated KZPO. Mr. Zawila represented her as counsel and could have openly acquired KZPO from Linda Ware if he and Linda Ware wished to enter into such a transaction. But again, Mr. Zawila had no interest in the KZPO project because he was well occupied with his own other broadcast projects and operating his law practice.

Mr. Zawila represented Linda Ware as a service provider and nothing more until her death. Mr. Zawila has since represented Cynthia Ramage, executor of Linda Ware's estate, as a service provider and nothing more.

As a point of interest, Linda Ware used other service providers in addition to Mr. Zawila for things such as programming, engineering, and sales. During the time that Linda Ware owned and operated KZPO prior to her death, Mr. Zawila was fully involved in his own broadcast projects and providing services to other broadcasters such as Linda Ware and others.

It was far more beneficial to Mr. Zawila to be a legal service provider to KZPO than to engage in some form of sinister activity to seize control of KZPO with its debt, expenses, and operational responsibilities. As a legal service provider Mr. Zawila was not liable for the massive debt against KZPO and occupied the favorable position of a preferred creditor as do almost all attorneys who effectively represent a client.

#### IMPACT OF KZPO REVOCATION -

1. Loss of the first and only local service at Lindsay, CA.

2. Loss of local EAS service.
3. Loss of local public service announcements.
4. Loss of jobs at KZPO.
5. Loss of the only program format well designed to serve the senior, disabled, handicapped and older audience in the community.
6. Loss of Chamber of Commerce support on the air with announcements.
7. Loss of the only female owned station in the area served by KZPO.
8. Loss of diversity of programming. KZPO presents a unique nostalgia format spanning the late 1930's to the mid-1960's in an area that is heavily dominated by spanish programming, religious programming, and contemporary music programming.
9. Loss of support for senior services and women's services.
10. Loss of KZPO's intern program to help needy community members who aspire to get into broadcasting. Cynthia Ramage, executor of the estate of Linda Ware, is also a first-time broadcaster who gives back to her community.
11. Loss of emergency announcements short of EAS such as Amber Alerts and Megan Alerts for children kidnapped any where within the KZPO service area.

KZPO IS A COMMUNITY ASSET -

KZPO serves the public interest in numerous ways as it has become a well established asset to its area of service during its 20 year history of service to Lindsay, California, and its surrounding area.

SERVICE TO SENIORS, WOMEN, DISABLED, AND HANDICAPPED -

As a disabled, senior female and handicapped person herself, Cynthia Ramage, the current owner of KZPO, well understands the needs of seniors, women, disabled and handicapped persons in KZPO's service area and she uses the service capabilities of KZPO to address these needs in the service of KZPO.

AS TO KZPE, ESTATE OF H.L. CHARLES, ROBERT WILLING, EXECUTOR, AND WILLIAM ZAWILA (KNGS) -

The revocations in the said summary decision are equally unwarranted as to KZPO, KZPE, and KNGS. More information and detail has been presented regarding KZPO as its service record to its community deserves additional attention.

EXCEPTION 3:

The Zawila Parties (hereinafter "parties") take exception to the ruling in paragraph 2 on page 2 of the summary decision (FCC 17M-28) (hereinafter "SD") that "The factual findings are based exclusively on the parties' defaults on the Bureau's Requests for Admission that were served on all the Zawila Parties on July 29, 2015".

There were no Requests for Admission (hereinafter "RFA's") served on the parties on July 29, 2015. Thus the alleged "factual findings" in the SD have no basis in fact and must be disregarded upon review of the said SD.

EXCEPTION 4:

The parties take exception to the ruling in paragraph 3 on page 2 of the said SD that "At the request of the parties, on September 12, 2003 and again on March 5, 2004, the proceeding was stayed indefinitely." Not so. The stay mentioned in the subject FCC Orders (FCC 03M-39) and (FCC 04M-09) was for the limited purpose of allowing the parties

stations  
to pursue a distress sale of their/which was filed with the FCC on 2-17-04 and to allow time for the media bureau to process the distress sale applications. The parties were advised by their then Washington counsel, Howard Braun of the firm Katten Muchin Zavis & Rosenman that it would take 30-45 days for the media bureau to process the distress sale applications filed with the FCC on 2-17-04. This is what the parties were told and what they believed. There never was any request for an indefinite stay either requested or granted. The stay that was granted was for a specific purpose that was to be accomplished within a reasonably limited period of time.

EXCEPTION 5:

The parties take exception to the statement in paragraph 4 of the SD at the top of page 3 that "Nor did they provide additional responses to the Bureau's discovery requests, or to the Bureau's requests for admission."

In paragraph 4 starting on page 2 of the SD and continuing on to page 3 of the SD the SD states that "On March 14 and 15, 2016, the Presiding Judge similarly ordered FCB and LB to provide complete responses." This statement references a similar order made to Mr. Zawila to complete responses but does not specifically identify it. This statement identifies the orders to FCB as (FCC 16M-08) and to LB as (FCC 16M-09).

Review of these 2 orders clearly show that the presiding judge allowed the parties additional time without specifying a deadline to respond to discovery, including RFA's that were then pending having been served by the EB on 2-2-16. The parties acted immediately to research, prepare, and serve responses to the EB's RFA's that had been served on 2-2-16.

On 3-26-16, LB and FCB served responses to the said RFA's and on 3-28-16 Mr. Zawila served responses to the said RFA's in compliance with the CALJ's above-mentioned orders which specifically allowed time for these responses to the said RFA's to be served by the parties.

Attached hereto as Exhibit 1 is a true and correct copy of the said responses to the RFA's served by LB on 3-26-16.

as Exhibit 2

Attached hereto/is a true and correct copy of the said responses to RFA's served by FCB on 3-26-16.

Attached hereto as Exhibit 3 is a true and correct copy of the said responses to RFA's served by William Zawila on 3-28-16.

On 3-28-16, a copy of all 3 sets of said responses to RFA's by the parties was provided to the CALJ by FAX.

EXCEPTION 6:

The parties take exception to the ruling stated in paragraph 5 on page 3 of the SD as follows: The CALJ ruled that LB's, FCB's and William Zawila's 3-28-16 responses to the EB's RFA's were late. Therefore, by operation of Section 1.246(b) of the rules, the EB's RFA's served on William Zawila, FCB, and LB were deemed admitted.

This ruling by the CALJ is directly in conflict with CALJ's own prior said orders discussed above which specifically allowed additional time for the parties to respond to discovery, including the EB's then pending RFA's.

The CALJ certainly had authority pursuant to 47 CFR 1.246(b) to make his prior said orders to allow additional time for the parties to respond to the EB's then pending RFA's.

However, once made the CALJ should be bound by his own orders and should not be allowed to simply ignore his own orders and then make rulings which squarely conflict with and contradict his own prior orders.

The parties' responses to the EB's RFA's served on 2-2-16 were timely and in compliance with the said above-discussed orders (FCC 16M-08) and (FCC 16M09). The CALJ's contrary ruling in paragraph 5 on page 3 of the SD should not be allowed and should be overturned by the FCC.

When properly considered, the responses to the EB's RFA's served by the parties clearly demonstrate the existence of numerous triable issues of material fact in this case regarding the construction, operation, and control of KZPO, KZPE, and KNKS. For example, the responses to the eb's RFA's by the parties attached hereto as Exhibits 1,2, and 3 clearly demonstrate that Mr. Zawila never had control over stations KZPO and KZPE contrary to the FCC's allegations in the HDO in this matter (FCC 03-158) issued on 7-16-03.

#### EXCEPTION 7:

The parties take exception to the CALJ's findings in paragraph 6 on page 3 of the SD as follows: "The presiding judge found that the Zawila parties had failed to 'provide timely and complete responses to [the Bureau's] pending discovery requests despite repeated instructions and orders from the presiding judge to do so'." "Therefore, the presiding judge entered adverse findings of fact against the Zawila parties."

Discovery has been used as a weapon against the parties rather than as a procedure to obtain relevant information in this case.

Massive amounts of discovery in the form of over 1000 interrogatories, requests for documents, and RFA's have been served by the EB covering a span of time from the late 1980's to the current date.

Although the HDO was issued on 7-16-03 in this case, the EB has sought discovery for about 15 years prior to the HDO and about 15 years since the HDO.

Numerous requests for discovery have been directed to 2 parties who are dead, Linda Ware and H.L. Charles. Numerous requests seeking information and documents that are already in the hands of the FCC have been issued.

The massive scope of discovery has been impossible to deal with due to 2 dead parties, 2 dead attorneys who previously represented the parties, numerous dead and missing witnesses, lost and missing documents, and lack of resources necessary to reconstruct the last 30 year history of the parties' stations that would be necessary to deal with the massive amount of discovery served by the EB in this case.

The parties have served objections to the excessive discovery in this case but the CALJ has routinely disregarded all objections put forth by the parties and has essentially approved the massive discovery program put forth by the EB with no limitation. In particular, the discovery abuses by the EB were brought to the CALJ's attention in the parties' Opposition to Motion for Summary Decision filed on or about 8-16-16 but were disregarded by the CALJ.

In addition to disregarding proper and timely responses to the EB's RFA's served on 2-2-16 discussed above, the CALJ has also disregarded proper and timely responses from the parties to earlier

RFA's served in this matter by the EB in late 2003 when the CALJ was not even handling this case. The CALJ did not take over this case until 2009. These earlier responses to RFA's in 2003 by the parties are discussed in, and a copy attached to, the parties' Opposition to Motion for Summary Decision filed on or about 8-16-16 in this case.

Review of the 2003 responses to RFA's served by the parties in late 2003 demonstrates that triable issues of material fact concerning construction, operation, and control of KZPO, KZPE, and KNGS were established in this case back in 2003 long before the CALJ came on board in this case and nothing has been done to make these triable of material fact go away.

SD is inappropriate in this case in light of the proper and timely discovery responses provided by the parties which establish triable issues of material fact as discussed above.

It is clear from the findings set forth in paragraph 6 on page 3 of the SD that the CALJ is attempting to use discovery sanctions as a weapon against the parties to avoid a hearing in this case and to excuse the EB from its burden of proof in this case as required by 47 CFR 1.91(d)(1).

**EXCEPTION 8:**

The parties take exception to the ruling in paragraph 8 on page 4 of the SD/have been met as required by 47 CFR 1.251(d).

The requirements for SD have not been met. There are genuine triable issues of material fact regarding the construction, operation, and control of KZPO, KZPE, and KNGS. Once established by the parties'

2003 responses to the 2003 RFA's, these triable issues do not go away.

EXCEPTION 9:

The parties take exception to the CALJ's ruling in paragraph 9 on page 4 allowing the EB's request to file a reply to the parties' Opposition to Motion for Summary Decision in this case.

The Motion for Summary Decision was served and the parties filed their Opposition based on the motion and its contents. The CALJ then allowed the EB to file a reply that completely<sup>changes</sup>/the theory of the motion from one that the 2003 responses to RFA's from the parties do not even exist to a revised theory that the said responses do exist but there are clerical issues regarding the responses.

The parties never had any opportunity to oppose or deal with this new revised theory of the Motion for Summary Decision as allowed by the CALJ.

EXCEPTION 10:

The parties take exception to the ruling in paragraph 11 on page 4 that the parties failed to respond in good faith and timely manner to EB's reasonable interrogatory and document discovery requests. This<sup>is</sup>/absolutely not true.

The EB's discovery was excessive and impossible to deal with in this case as discussed above.

EXCEPTION 11:

The parties take exception in paragraph 13 on page 5 of the SD to characterizing the parties' use of proper objection to discovery as "stonewalling". Objections are acceptable where the interrogatories and requests for documents are excessive, overbroad, burdensome, oppressive, abusive, and impossible to deal with. Review of the and interrogatories/document requests show that these requests seek to

cover the entire 30 year history of the parties' stations. This is impossible to deal with.

The CALJ simply disregarded all of the objections of the parties served in response to the EB's excessive discovery program.

EXCEPTION 12:

The parties take exception to the assertion in paragraph 13 on page 5 that the parties did not respond to the 2003 RFA's. These RFA's were indeed responded to by the parties in 2003 as discussed above. These 2003 responses from the parties to the 2003 RFA's are also discussed in the parties' Opposition to Motion for Summary Decision filed on or about 8-16-16.

EXCEPTION 13:

The parties take exception to the statement on page 6 at paragraph 14 that the 2-2-16 RFA's were not responded to until 3-28-16, <sup>is</sup> "multiple days beyond the deadline". This/absolutely wrong.

The parties responded to the 2-2-16 RFA's in a timely and proper manner pursuant to the CALJ's said 2 orders (FCC16M-08) and (FCC16M-09) discussed above which allowed additional time to respond to the said 2-2-16 RFA's.

EXCEPTION 14:

The parties take exception in paragraph 15 on page 6 of the SD to the last sentence where the CALJ says responses to the 2-2-16 RFA's were late and deemed admitted. This is not true.

As discussed above, the CALJ made orders that allowed additional time to respond to the 2-2-16 RFA's and now the CALJ is ignoring his own orders (FCC16M-08) and (FCC16M-09) and not even mentioning them in the SD. The CALJ does deny or address his own 2 said orders, but simply ignores them.

CONCLUSION -

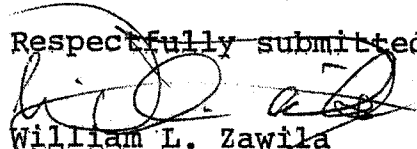
The parties to these Exceptions respectfully request that:

1. The FCC set aside the Summary Decision revoking all of the parties' FCC authorizations.
2. That this case be dismissed in its entirety based on the FCC's Character Policy Statement discussed hereinabove.
3. That the FCC issue a statement that its Character Policy Statement applies to this case.
4. That the FCC issue a statement recognizing KZPO's service to its city of license and service area and dismiss KZPO from this case.

9-5-17

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Respectfully submitted,

  
William L. Zawila  
Attorney for the Estate of  
Linda Ware, Cynthia Ramage,  
Executor, the Estate of H.L.  
Charles, Robert Willing, Execu-  
tor, and William Zawila

Before the  
Federal Communications Commission  
Washington, DC 20554

Received & Inspected  
SEP 08 2017

FCC Mailroom

In the Matter of	)	EB Docket No. 03-152
	)	
<b>WILLIAM L. ZAWILA</b>	)	Facility ID No. 72672
	)	
Permittee of FM Station KNKS	)	
Coalinga, California	)	
	)	
<b>AVENAL EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 3365
	)	
Permittee of FM Station KAAX,	)	
Avenal, California	)	
	)	
<b>CENTRAL VALLEY EDUCATIONAL SERVICES, INC.</b>	)	Facility ID No. 9993
	)	
Permittee of FM Station KYAF,	)	
Firebaugh, California	)	
	)	
<b>H. L. CHARLES d/b/a FORD CITY BROADCASTING</b>	)	Facility ID No. 22030
	)	
Permittee of FM Station KZPE,	)	
Ford City, California	)	
	)	
<b>LINDA WARE d/b/a LINDSAY BROADCASTING</b>	)	Facility ID No. 37725
	)	
Licensee of FM Station KZPO,	)	
Lindsay, California	)	

To: Chief Administrative Law Judge  
Richard L. Sippel  
To: Enforcement Bureau

RESPONSE TO ENFORCEMENT BUREAU'S REQUESTS FOR ADMISSION  
TO THE ESTATE OF LINDA WARE

The Estate of Linda Ware, Cynthia Ramage, Executor, hereby  
submits the following response to the Enforcement Bureau's Requests

EXHIBIT 1

for Admission pursuant to the recent discovery orders issued by the presiding officer.

Attached hereto is a copy of the said Requests for Admission.

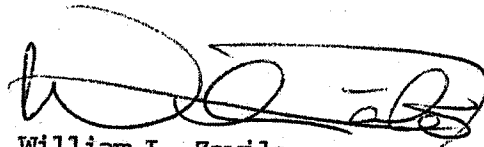
1. The following Requests are admitted: 1,2,7,8,9,61,83,84, 86, and 88.

2. The following Requests are denied: 3,4,5,6,10,11,12,13,14, 15,18,19,21,23,24,25,27,28,30,31,32,34,36,37,38,40,41,43,44,46,47, 49,50,52,53,54,56,57,58,62,64,66,69,70,72,74,75,76,77,78,79,80,81, 82,85,87,89,90,

3. The following Requests are denied based on lack of information or belief: 59,60,67,68.

4. The following Requests are objected to on the following grounds: 16 and 17 mis-state facts in that they assume that Mr. Zawila controlled Station KZPO when in fact this never occurred. Mr. Zawila did not request FCC authorization or receive FCC authorization to control Station KZPO because he has never controlled Station KZPO.

20,22,26,29,33,35,39,42,45,48,51,55,63,65,71,73, and 91 seek information for irrelevant time periods after the Hearing Designation Order was issued in this matter on 7-16-03. The said HDO upon which this proceeding is based covers matters prior to 7-16-03, not matters after 7-16-03. These Requests numbered above seek information about the current day operation of KZPO as well as the current day status and activities of the parties which are all completely irrelevant to the said HDO and matters which occurred prior to 7-16-03.




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3-26-16

DECLARATION

I, Cynthia Ramage, declare under penalty of perjury that the statements contained in the foregoing Response to the Enforcement Bureau's Requests for Admission to the Estate of Linda Ware are true and correct to the best of my knowledge and belief.

Executed on March 26, 2016.

  
\_\_\_\_\_  
Cynthia Ramage  
Executor of the Estate of  
Linda Ware