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Federal Communications Commission
Office of the Secretary

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In re Applications of

**T. Kent Atkins d/b/a
ATKINS BROADCASTING**

**For Renewal of License of
Station KRGN (FM), Amarillo, Texas**

**CAPROCK EDUCATIONAL BROADCASTING
FOUNDATION**

**For Renewal of License of
Station KLMN (FM), Amarillo, Texas**

To: The Chief, Mass Media Bureau

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) **File No. BRH-900327UP**
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) **File No. BRH-900327UQ**
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PETITION TO DENY

**John H. Midlen, Jr.
Gregory H. Guillot**

Counsel to Stevan A. White

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July 2, 1990

SUMMARY

Stevan A. White, a former employee of T. Kent Atkins, sole proprietor of Atkins Broadcasting (Atkins), licensee of KRGN (FM) at Amarillo, Texas, and dominant principal in Caprock Educational Broadcasting Foundation (Caprock), licensee of KLMN (FM) at Amarillo, Texas, moves herewith to deny the applications of Atkins and Caprock for renewal of license for these two stations. Atkins and Caprock have violated multiple sections of both the Communications Act and the Commission's Rules by numerous acts of unlawful behavior, including the premature construction and operation of two stations without Commission authorization, and the failure to observe Commission requirements within the stations so constructed. These acts have not been denied by Caprock, are the subject of a Commission field investigation which, within one week will confirm their occurrence, and no acceptable excuse has been offered for their transpiration. Accordingly, the applications for renewal of both KRGN and KLMN should be denied.

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FOUNDATION)	
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For Renewal of License of)	
Station KLMN (FM), Amarillo, Texas)	
)	
To: The Chief, Mass Media Bureau		

PETITION TO DENY

Stevan A. White, by his attorneys, and pursuant to Section 309(d) of the Communications Act of 1934, as amended, and Section 73.3584(a) of the Commission's Rules and Regulations, hereby petitions the Commission to deny the above-captioned license renewal applications, filed by T. Kent Atkins d/b/a Atkins Broadcasting (Atkins) and Caprock Educational Broadcasting Foundation (Caprock), on March 27, 1990.

Substantial and material questions of fact exist regarding Caprock's qualifications to be a Commission licensee in light of its flagrant disregard for the Commission's Rules in the operation of both KLMN (FM), at Amarillo, Texas, and KAMY

(FM), at Lubbock, Texas (File No. BPED-840626IE), and its history of repeated misrepresentations to, and lack of candor before, the Commission. Both stations remain the object of complaints filed against them for premature construction and unlawful operations. Similar questions remain outstanding with respect to Atkins, licensee of KRGN (FM), at Amarillo, Texas. Atkins is 100% owned by T. Kent Atkins, who has been responsible for almost all of Caprock's filings during KLMN's license term, and who remains Caprock's dominant principal. Mr. Atkins' activities in connection with KLMN and KAMY alone raise grave concerns regarding Atkins' basic qualifications to be a Commission licensee; however, Atkins' operation of KRGN also has been permeated with rules violations. Accordingly, the renewal applications of both KRGN and KLMN should be designated for hearing, pursuant to Section 309(e) of the Communications Act. In support whereof, the following is shown:

I. STEVAN A. WHITE IS A "PARTY IN INTEREST"

Stevan A. White is a resident of Amarillo, Texas, and has been a listener of the challenged stations. As such, Mr. White is entitled to submit the instant *Petition to Deny*. See *Michigan and Ohio TV Stations*, 3 FCC Rcd 6944 (1988). More importantly, however, Mr. White was employed by T. Kent Atkins as Director of Operations for KRGN from October 1986, until January, 1988, and is intimately familiar with the facilities

of KLMN. *Declaration Under Penalty of Perjury of Stevan A. White*, at ¶¶ 1, 6 - 7. Accordingly, Mr. White is a "party in interest," under Section 73.3584 of the Commission's Rules. Mr. White's knowledge and experience regarding these matters compels him to participate in the filing of the instant *Petition*.

II. STATEMENT OF FACTS

Thomas Kent Atkins is no stranger to broadcasting, or to the Commission, although, as Mr. White will demonstrate, he is an unwelcome guest, seldom observing the "house" (FCC) rules. FM Broadcast Station KRGN at Amarillo, Texas, is licensed to T. Kent Atkins d/b/a Atkins Broadcasting. (FCC License No. BLH-861125KA).¹ Mr. Atkins also is President, and the dominant principal of, Caprock Educational Broadcasting Foundation, licensee of KLMN, at Amarillo (FCC License No. BLED-880620KB), and permittee of KAMY (FM), at Lubbock, Texas.

¹Atkins Broadcasting also is the permittee of television broadcast station KTHP, at Longview, Texas. (FCC File No. BPCT-850815KJ), for which it has filed an application to extend the date for completion of construction. (FCC File No. BMPCT-900419KE).

(FCC File No. BPED-840626IE).² Additionally, Mr. Atkins is President of Southwest Educational Media Foundation of Texas, Inc., licensee of standard broadcast station KENT, at Odessa, Texas. See FCC File No. BR-900327UO.³ Mary Helen Atkins, Mr. Atkins' wife, is the licensee of LPTV station K56DF at Amarillo, Texas. See *Application for Assignment of Station KBTT(FM), Bridgeport, Texas*, at Exhibit 1. (FCC File No. BAPED-891130HR). And she, along with Mr. Atkins, are board members of Southwest Educational Media Foundation, Inc., permittee of a noncommercial educational broadcast station at Lake Charles, Louisiana. *Id.* Moreover, Mr. Atkins and his wife apparently intend to increase, rather than stabilize their coterie of stations. The organizations they control

²Caprock is also the permittee of KDTD (FM), at Plainview, Texas, and has filed an application for a new FM Broadcast Station at Longview, Texas. See *Application for Assignment of Station KBTT(FM), Bridgeport, Texas*, at Exhibit 1. (FCC File No. BAPED-891130HR). Mr. Atkins' wife, Mary Helen Atkins, also is a principal in Caprock, and together, the Atkins' control 2/3 of the Caprock entity. See *Application for Transfer of Control of Caprock*, FCC File No. BTCED-891003GF, and the *Informal Objection* filed in response thereto by Williams Broadcast Group, on November 13, 1989.

³Southwest Educational Media Foundation of Texas, Inc., also has filed applications for noncommercial FM stations in several communities, including Odessa, Texas; Albuquerque, New Mexico; Waco, Texas; Post, Texas; Lawton, Oklahoma; Colleyville, Texas; Stanton, Texas; San Angelo, Texas, and Midland, Texas. Several of these applications have been dismissed for tenderability defects. However Southwest Educational Media Foundation of Texas, Inc., has requested reconsideration of these dismissals except in the case of San Angelo, Texas. See *Application for Assignment of Station KBTT(FM), Bridgeport, Texas*, at Exhibit 1. (FCC File No. BAPED-891130HR).

have filed numerous applications for additional authorizations, and no stopping point is in sight. See, e.g. Notes 1, 2, and 3, *supra*. However, the record of violations by these entities before the Commission rapidly is growing as large as the number of applications and authorizations. Only those violations which directly concern the above-captioned licensee entities are outlined herein.

Caprock's history before the Commission is characterized by misrepresentations, deceit, bad faith, and blatant disrespect for the Communications Act and the Commission's Rules, with respect to its operation of both KAMY, at Lubbock, Texas, and KLMN, at Amarillo, Texas. The Commission's files reflect that on April 13, 1989, Williams Broadcast Group, licensee of KJAK (FM) at Slaton, Texas, filed a *Complaint* against KAMY, alleging that Caprock, which had filed a major change application for the KAMY facility (File No. BMPED-880328MM), had constructed the facility applied for in its application and commenced broadcast operations therefrom, prior to receiving Commission approval therefor, and at a power substantially above that which was authorized.⁴ On April 25, 1989, Williams filed a *Petition to Deny* against the Caprock KAMY major change application, noting, *inter alia*, that Caprock had: 1) failed to proceed diligently with

⁴Mr. White respectfully requests that the Commission take Official Notice of the allegations contained in Williams' April 13, 1989 *Complaint*.

construction at its authorized site; 2) failed to notify the public of its filing of the major change application, as required by the Commission's Rules; 3) undertaken extensive construction at the site proposed in its modification application without prior authorization from the Commission; 4) commenced broadcast operations from the unauthorized site with unauthorized power and absent program test authority or other authorization; and, 5) failed to notify the Commission of substantial and significant changes in information previously furnished. See, generally *Williams' Petition to Deny*.⁵ The *Petition to Deny*, which was supported by affidavits of persons with knowledge of the allegations contained therein, enumerated numerous violations of the Communications Act, including violations of: 1) Section 301, which prohibits radio transmissions without a license or other authorization therefor; 2) Section 311, which requires applicants to give public notice of the filing of major change applications, and 3) Section 319(a), which prohibits applicants from commencing station construction prior to receipt of Commission authorization, other than undertaking certain "preliminary steps." The *Petition* also enumerated an equally impressive list of Commission's Rules violations,

⁵Mr. White respectfully requests the Commission to take Official Notice of the allegations contained in the subject *Petition to Deny*, which is contained in the Commission's files.

including violations of: 1) Section 73.211(c)(1), which prohibits operations in excess of authorized power limits; 2) Section 73.277, which prohibits the transmission of radio energy without program test authority, a valid construction permit, or experimental authorization; 3) Sections 73.1620 and 73.1745, which set forth the procedures for program test operations and prohibit unauthorized operations; 4) Section 73.3580, which requires publication of local notice for major change applications, and, 4) Section 1.65, which required that Caprock notify the Commission of significant changes in its situation. On April 28, 1989, the Commission's FM Branch sent a letter to Caprock, acknowledging Williams' *Complaint*, confirming that the operations were unauthorized, and codifying a conversation between Mr. Arthur Doak, of the Commission staff and counsel for Caprock, in which Caprock's counsel admitted that Caprock was operating KAMY "illegally." See *Letter from Dennis Williams, dated April 25, 1989, FCC Ref. No. 8920-AED.*

Caprock, in its *Opposition to Williams' Petition to Deny*, filed with the Commission on May 9, 1989, again admitted its unauthorized operations and rules violations, but argued, *inter alia*, that its actions were the result of innocent error. See *Opposition to Petition to Deny*, filed May 9, 1989. However, Williams subsequently discovered that even as Caprock made this representation, Caprock was continuing to operate

KLMN (FM) at Amarillo, Texas, unlawfully, and without authorization, in much the same manner as KAMY. On May 25, 1989, Williams tendered an additional *Complaint* to the Commission, alleging that KLMN, which, like KAMY had a modification application pending before the Commission (FCC File No. BMPED-880321IA, had commenced operations from and with the facilities described in its modification application, without prior Commission approval, and at a different location and at a power substantially above that which was authorized.⁶ The *Complaint* noted that the location proposed by Caprock for KLMN, and used unlawfully for premature construction and operations, was the same location as that used by KRGN, at Amarillo, Texas, licensed to Atkins Broadcasting. *Id.*⁷ And, on May 31, 1989, in its *Reply to Opposition to Petition to Deny*, filed with respect to Caprock's KAMY violations, Williams detailed Caprock's Rules violations in Amarillo. *Id.*

The *Affidavit of Stevan A. White*, tendered as Exhibit 1 to Williams' *Reply to Opposition to Petition to Deny*, removed all

⁶Mr. White requests that the Commission take Official Notice of the allegations contained in Williams' May 25, 1989 *Complaint*, which is contained in the Commission's files.

⁷See FCC License No. BLH-861125KA. However, Williams also noted that the geographic coordinates listed for KLMN's proposed change in location differed from the coordinates listed in KRGN's above-referenced license, although the address and tower specified were the same. "This variance," Williams noted "serves as yet another example of Caprock's imprecision and flagrant disregard for the Commission's Rules. *Complaint*, at note 1.

traces of doubt regarding Caprock's unlawful behavior in Amarillo, Texas. Therein, Mr. White confirmed that KLMN had been co-located on KRGN's tower, when it should have been located 8 or 10 miles away. *Id.* at ¶ 3. See also *Declaration Under Penalty of Perjury*, attached hereto as Exhibit 1, at ¶ 6. Mr. White also appended photographs of the unauthorized facility as Attachments A and B to his *Affidavit*, detailing the KRGN facilities, the KLMN transmitter installation, and the "shack" from which KLMN's unauthorized operations initiated. *Id.* at Attachments A, B. Finally, as Attachment C to his *Affidavit*, Mr. White provided a cassette tape to the Commission, embodying certain unauthorized transmissions of KLMN, including a station identification. *Id.* Exhibit 2 to Williams' *Reply to Opposition to Petition to Deny*, the *Affidavit* of Mary Ellen Sera, demonstrated that KLMN and KRGN had been unlawfully co-located, and showed that KLMN, although ostensibly licensed to a different entity than KRGN (Caprock versus Atkins), had the same mailing address and phone number as the latter station. *Id.* at ¶¶ 3,4,5, and 6.

The *Declaration Under Penalty of Perjury* of Stevan A. White, attached hereto as Exhibit 1, outlines additional violations of the Commission's Rules which were not relevant to the above-referenced matters, but which clearly add to the compelling record evidence justifying designation of KRGN's and KLMN's renewal applications for hearing. First, the

Declaration establishes that neither KLMN nor KRGN have complied with the Commission's requirement, under Section 73.1860 of the Rules, that each FM broadcast station have at least one person holding a commercial radio operator license or permit on duty during all periods of broadcast operation. 47 C.F.R. § 73.1860. *Exhibit 1* at ¶¶ 2, 4, 7, and 8. The *Declaration* also establishes that neither KRGN nor KLMN (i.e. Atkins or Caprock) complied with the Emergency Broadcast Signal monitoring requirements imposed by Section 73.932 of the Commission's Rules. *Declaration* at ¶ 3. With respect to KRGN (and thus, because they share a tower, KLMN), Mr. White's *Declaration* states that Atkins never complied with the guidelines set forth for proper tower lighting in KRGN's station license, as required by Section 73.1213 of the Commission's Rules. Nor did KRGN ever properly post its station license in accordance with the Commission's Rules. *Declaration*, at ¶ 5. Finally, the *Declaration* contains serious allegations regarding Atkins' character qualifications, including possible tax fraud and improper diversion of funds solicited for charitable contributions.

The Commission's staff has completed a field investigation in response to the growing record against Caprock and KLMN. The field report, the tracking number of which is 89-I-2138, and the control number of which is C5-553, is expected to reach the desk of Sandra Watson, of the Commission's

Complaints and Investigations Branch, sometime this week. Mr. White is uncertain what the extent of the Commission's report will be. Undoubtedly, however, many of the above-outlined violations, and possibly more, are expected to be uncovered therein, with respect to both KLMN and KRGN. Mr. White respectfully requests that the Commission take Official Notice of the results of this report when it arrives in the Commission's offices in Washington, D.C.

To date, neither Atkins, nor Caprock have tendered suitable explanations for this egregious behavior to the Commission. On August 11, 1989, after months of unauthorized activity, Caprock requested and received Special Temporary Authority to operate KLMN at the site of its prior unlawful activities. See Letter from Dennis Williams dated August 11, 1989, FCC Ref. No. 8920-KF. Special Temporary Authority was extended through March 6, 1990, by letter dated December 6, 1989. FCC Ref. No. 8920-KF. However, no evidence exists to support a conclusion that Atkins or Caprock have "cleaned up their acts." The most significant remedial step attempted so far by the licensees has been to propose a transfer of control for KLMN and KAMY, to allow Mr. Atkins and his wife to depart from Caprock. See FCC File Nos. BTCED-891003GG and BTCED-891003GF. However, as Williams Broadcast Group pointed out in its *Informal Objections to Transfer of Control*, filed with the Commission on November 13, 1989 with respect to both stations,

Caprock: 1) submitted its applications on the wrong FCC Form, *id.* at 1; 2) is unqualified to be a Commission transferor, and, with respect to KAMY, 3) the underlying construction permit has expired, rendering the request for transfer of control thereof, moot. *Id.* Moreover, given the co-location of KRGN (licensed to Atkins) and KLMN, it is doubtful whether an "arm's length" transfer of control could be effectuated.

III. ARGUMENT

Section 309(d)(1) of the Communications Act provides that a petition to deny a renewal application must allege specific allegations of fact sufficient to show that the petitioner is a party in interest as supported by affidavits or statements under penalty of perjury,⁸ and that a grant of the application would be *prima facie* inconsistent with the public interest. *Id.* Where "substantial and material questions of fact" exist as to whether grant of the application would be consistent with the public interest, Section 309(e) of the Communications Act requires that the application be formally designated for hearing. 47 U.S.C. § 309(e). Mr. White has satisfied these requirements with respect to the KRGN and KLMN renewal applications. In fact, because the facts regarding Atkins' and Caprock's violations are undisputed, the Commission may draw inferences from these facts already known and deny the

⁸47 U.S.C. § 309(d)(1); *American Legal Foundation v. FCC*, 808 F.2d 84, 90-91 (D.C. Cir. 1987); *Michigan and Ohio TV Stations*, 3 FCC Rcd 6944 (1988).

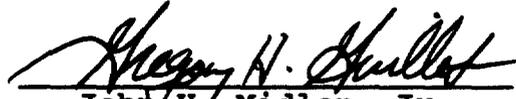
captioned applications without hearing. *Stone v. FCC*, 466 F.2d 316, 323 (D.C. Cir. 1972); *Commercial Television Stations Serving Philadelphia, Pennsylvania*, FCC 90-158 (released June 29, 1990).

Licenses are required to operate in strict compliance with all Commission Rules and policies. *Liability of Metro Program Network, Inc.*, FCC 90-183 (released May 8, 1990). In this vein, it is essential that permittees and licensees construct facilities in strict compliance with the specifications set forth in their construction permits in order to avoid serious air navigation hazards and avert interference to other broadcast stations. *Id.* See also *Liability of Equinox*, 87 FCC 2d 1099 (1981). A licensee's record of noncompliance with the Commission's Rules provides direct evidence of anticipated future behavior as a public trustee. *Mid-Ohio Communications, Inc.*, 104 FCC 2d 572 (Rev. Bd. 1986). Moreover, the only excuse ever proffered by Atkins and/or Caprock for the above-outlined rules violations, ignorance, is not one. The Commission cannot accept oversight, inadvertence or mistake as justification for failure to comply with its rules. *E.g.*, *Shamrock Broadcasting, Inc.*, 2 FCC 2d 492 (1966); *Triad Stations, Inc.*, 52 FCC 2d 607 (1975); *KUSN Corporation*, 6 FCC 2d 282 (1967). To excuse a licensee's conduct in this regard would "render ineffectual the Commission's licensing processes as it would, in effect, allow

licensees to obtain an authorization to construct at one location and then build and operate at whatever location was convenient, without Commission approval." *Liability of Metro Program Network, Inc.*, FCC 90-183 (released May 8, 1990). This course is the one that Atkins and Caprock have preferred to follow, even though they have long been on notice of the risks. The penalty for this course, at minimum, must be the designation of the above-captioned renewal applications for hearing. The more appropriate course, given the extent of the record evidence, would be to DENY THEM.

IN VIEW OF THE ABOVE, Stevan A. White respectfully requests that the above-captioned renewal applications be denied.

RESPECTFULLY SUBMITTED:


John H. Midlen, Jr.
Gregory H. Guillot

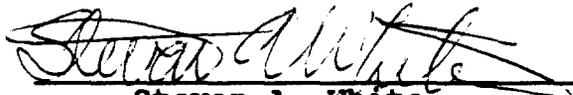
Counsel to Stevan A. White

JOHN H. MIDLEN, JR. CHARTERED
3238 Prospect St., N.W.
Washington, D.C. 20007
(202) 333-1500

July 2, 1990

VERIFICATION

I, Stevan A. White, hereby declare, under penalty of perjury, that the facts contained in the foregoing *Petition to Deny*, other than those which are contained in the public record and referred to herein, are true, complete and correct to the best of my recollection and ability, and are made in good faith.


Stevan A. White

6/30/90
Date

EXHIBIT 1

DECLARATION UNDER PENALTY OF PERJURY

I, Stevan A. White, hereby declare under penalty of perjury that:

1.

From October, 1986, until January, 1988, I was employed by Kent Atkins as Director of Operations for FM Broadcast Station KRGN at Amarillo, Texas. Kent Atkins is the sole proprietor of Atkins Broadcasting, licensee of KRGN. Atkins also is a principal in Caprock Educational Broadcasting Foundation, licensee of FM Broadcast Station KLMN at Amarillo, Texas. I have personal knowledge of the facts contained herein.

2.

During my relationship with Mr. Atkins and KRGN, I witnessed multiple violations of the rules of the Federal Communications Commission, by both KRGN and other stations licensed to entities in which Mr. Atkins had an ownership interest. Just a few months after commencing regular broadcasting, KRGN's operations were extended to twenty-four (24) hours from eighteen (18) hours. My understanding was that this change was implemented after the installation of satellite equipment, so as to afford the station the opportunity to operate without an operator physically present at the facility. Transmitter control was accomplished via long distance remote control.

3.

During the time I worked for Mr. Atkins, he also had no apparent concern with the Commission's EBS guidelines. There was no way for EBS activations to be monitored and necessary information to be properly relayed to KRGN listeners. As I understand, long-distance remote control is acceptable if EBS information can be timely broadcast by the control operator in some fashion. This was not possible while I was in Atkin's employ.

4.

There also was never a fail-safe control system operational while I worked at KRGN. Many times satellite feed would be lost and the KRGN transmitter would continue to broadcast a carrier with no program material. The satellite network had furnished KRGN with a unit which when properly installed would allow the station to transmit a combination of tones over the regular audio frequency, which would, in turn, shut down the transmitter. This unit was not installed when I left Mr. Atkins' employ at the beginning of January, 1988. Neither was any other means of controlling the transmitter if the dial-up remote was inaccessible.

5.

Atkins Broadcasting had never complied with the guidelines set forth for proper tower lighting in KRGN's station license as of the time I left Mr. Atkins' employ. In

fact, the station license had never been displayed properly as of the time of my departure. The license disappeared shortly after it was received.

6.

KLMN(FM), another station in Amarillo, Texas, is also controlled by Kent Atkins and licensed to Caprock Educational Broadcasting Foundation. As of at least May 19, 1990, KLMN operated from the same location from which KRGV operates. Both the antenna for KRGV and the antenna for KLMN were on the same tower and both transmitters were located within approximately twenty (20) feet from one another. It was my understanding at that time that KLMN should have been constructed about eight (8) to ten (10) miles away at a different location. However, I had seen the transmitter installation for KLMN and know that this was not the case. In fact, on May 19, 1989, at the request of Williams Broadcast Group, I went to the KRGV/KLMN transmitter site, and took extensive photographs of the unauthorized location of the KLMN transmitter. Those photographs, as well as a cassette tape including certain material broadcast over KLMN's facilities without prior authorization from the Commission, were attached to an Affidavit I executed on May 25, 1989, which was included as an Exhibit in a *Reply to Opposition to Petition to Deny*, filed with the Commission by Williams Broadcast Group on May 31, 1989, against a modification application filed by Caprock

Educational Broadcasting Foundation, on behalf of another one of Mr. Atkins' stations, KAMY(FM), at Lubbock, Texas. (FCC File No. BMPED-880328MM).

7.

At the time I was inside the KLMN transmitter "shack," as depicted in the pictures included within my May 25, 1989 Affidavit, I noticed that there was no means of remote control and no control possible other than walking through a pasture to the shack and operating the controls on the transmitter itself. There were no extension controls to the transmitter from the building where the control studio was supposed to be. The only link to the transmitter from the studio was an audio cable. I was not employed by Atkins at the time I saw the KLMN installation.

8.

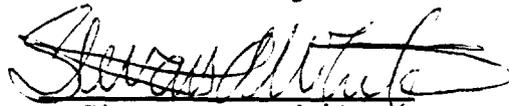
KENT, an AM station in Odessa, Texas, was, at least in May, 1989, operated in much the same fashion as KRGN. KENT is licensed to Southwest Educational Media Foundation of Texas, which, again, is controlled by Kent Atkins. KENT was fed by the same satellite network, used the same type of "dial-up" remote control, and was operated unmanned except for certain portions of the day. I have been to this station twice, each time for a fund-raising campaign at Mr. Atkins' request. I also went to the transmitter site and observed that there was no means of transmitter control should the

dial-up system fail.

9.

Overall, it is my opinion that Mr. Atkins, and any entity affiliated with him, is not qualified to be a Commission licensee or permittee. Although my above testimony relates to his behavior with respect to the FCC, other practices engaged in by Mr. Atkins also reveal his character. Atkins payed all station employees as contract labor and did not pay any employment taxes or withhold Social Security from anyone's paycheck, even though they were not independent contractors. Atkins misrepresented KRGV's effective radiated power in contracts to the agencies which handled the programs he wanted on his stations. Moreover, Atkins pays bills for the KENT station out of the KRGV checkbook and then tells KRGV listeners on the air to send in their "tax-deductible" contributions so that KRGV can survive! KRGV, KLMN, and KENT all have §501(c)(3) status with the IRS. I have seen these materials for myself, and I know these statements to be true.

I declare, under penalty of perjury, that the foregoing statements are true, complete and correct to the best of my ability, and are made in good faith.

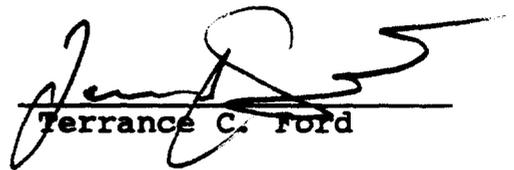

Stevan A. White

6/30/90
Date

CERTIFICATE OF SERVICE

I, Terrance C. Ford, do hereby certify that I have caused to be sent via First Class U.S. Mail, postage prepaid, today, July 2, 1990, a copy of the foregoing PETITION TO DENY, to the following:

James L. Oyster, Esquire
Law Offices of James L. Oyster
Rt. 1, Box 203A
Castleton, Virginia 22716


Terrance C. Ford