

NOV 7-2014

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
	)	
<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	)	
	)	
<b>WESTERN PACIFIC BROADCASTING, INC.</b>	)	File No. BR-19970804YJ
	)	Facility ID No. 71936
For Renewal of License for AM Station KKFO, Coalinga, California	)	

To: Marlene H. Dortch, Secretary  
Attn: Chief Administrative Law Judge Richard L. Sippel

**ENFORCEMENT BUREAU'S STATUS REPORT**

1. The Chief, Enforcement Bureau ("Bureau"), by his attorney, hereby submits its Status Report, pursuant to *William L. Zawila*, Order, FCC 14M-33 (ALJ, rel. Oct. 16, 2014) ("Order"). The Order specifically directed the parties in this proceeding to:

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(1) update the Presiding Judge as to the status of each license at issue in this proceeding; (2) inform the Presiding Judge of any pending applications related to the licenses at issue in this proceeding, including the status of any pending applications for approval of distress sales; (3) detail the activities in which the parties respectively have engaged over the last year to prepare for hearing; (4) describe the type and amount of discovery that is still needed by each party prior to hearing; and (5) propose, jointly if possible, a discovery schedule and hearing date.<sup>1</sup>

2. The Order also directed the parties to update their contact information. It further ordered the Bureau in particular to “advise on steps taken . . . in the past twelve months to prosecute this case, and the level of cooperation or noncooperation the Bureau has received from William L. Zawila and/or his agents.”<sup>2</sup>

3. To the best of its knowledge and belief, the Bureau provides the following information, as directed in the Order:

**A. Status of Each License at Issue**

Station KNKS(FM) – William L. Zawila holds a construction permit for Station KNKS(FM). He does not hold a license for this facility. The construction permit remains in effect. According to the Commission’s Consolidated Database System (“CDBS), Station KNKS(FM) is not operating. Staff in the Bureau’s field office confirmed on October 28, 2014, that the station is not operating.

Station KAAX(FM) – Avenal Educational Service, Inc. holds a construction permit for Noncommercial Educational Station KAAX(FM). It does not hold a license for this facility. The construction permit remains in effect. According to the Commission’s CDBS, Noncommercial Educational Station KAAX(FM) is not operating. Staff in the Bureau’s field office confirmed on October 28, 2014, that the station is not operating.

Station KYAF(FM) (formerly, KAJF(FM)) – Central Valley Educational Services, Inc. holds a construction permit for Noncommercial Educational Station KAYF(FM). It does not hold a license for this facility. The construction permit remains in effect. According to the Commission’s CDBS, Noncommercial Educational Station KAYF(FM) is not operating. However, staff in the Bureau’s field office reported on October 28, 2014, that the station is on the air.

Station KZPE(FM) – H. L. Charles is deceased. On June 2, 2004, the Commission granted an application for the transfer of control of the construction permit for Station KZPE(FM) from

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<sup>1</sup> Order, at 2.

<sup>2</sup> *Id.*

H. L. Charles d/b/a Ford City Broadcasting to The Estate of H. L. Charles, Robert Willing, Executor.<sup>3</sup> The Estate of H. L. Charles, Robert Willing, Executor, does not hold a license for this facility. The construction permit remains in effect. According to the Commission's CDBS, Station KZPE(FM) is not operating. Staff in the Bureau's field office confirmed on October 31, 2014, that the Station is not operating.

Station KZPO(FM) - Linda Ware is deceased. On June 2, 2004, the Commission granted an application for the transfer of control of the license for Station KZPO(FM) from Linda Ware d/b/a Lindsay Broadcasting to The Estate of Linda Ware, Cynthia Ramage, Executor.<sup>4</sup> The license remains in effect. According to the Commission's CDBS, Station KZPO(FM) is on the air. Staff in the Bureau's field office confirmed on October 28, 2014, that the Station is operating.

Station KKFO(AM) - On December 11, 2003, the then-presiding officer (Judge Arthur Steinberg) issued an order dismissing the license renewal application of Western Pacific Broadcasting, Inc. for Station KKFO(AM) and removing Station KKFO(AM) from the caption of this proceeding.<sup>5</sup> Media Bureau staff confirmed on October 28, 2014, that the license for Station KKFO(AM) was surrendered. The Commission's CDBS does not reference a radio station bearing the call letters KKFO(FM).

## **B. Pending Applications<sup>6</sup>**

Station KNGS(FM) - After this case was designated for hearing, the permittee for Station KNGS(FM) filed an application to assign its authorization pursuant to the Commission's minority distress sale policy. On January 7, 2005, the Commission's Office of Managing Director ("OMD") dismissed the application for non-payment of regulatory fees, pursuant to the Commission's Red Light Rule, 47 C.F.R. §§ 1.1910(b)(3).<sup>7</sup> The permittee appealed OMD's action, and its application for review is currently pending before the Commission.<sup>8</sup>

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<sup>3</sup> See FCC Form 316, File No. BAPH-20040520AJI. The Bureau respectfully requests the Presiding Judge to modify the caption of this proceeding to reflect this transfer of control.

<sup>4</sup> See FCC Form 316, File No. BALH-20040520AJH. The Bureau respectfully requests the Presiding Judge to modify the caption of this proceeding to reflect this transfer of control.

<sup>5</sup> See *William L. Zawila*, Order, FCC 03M-55 (ALJ, rel. Dec. 11, 2003). The Bureau respectfully requests the Presiding Judge to modify the caption of this proceeding to reflect the actions taken by Judge Steinberg.

<sup>6</sup> There are other applications pending for some of the listed stations but those applications do not impact this proceeding so have not been included in this Status Report. The Bureau will supplement this report with information about those applications if requested to do so.

<sup>7</sup> See *Debt Collection Decisions of the Managing Director Available to the Public*, Public Notice, 21 FCC Rcd 2902 (2006).

<sup>8</sup> See *The Estate of Linda Ware, Cynthia Ramage, Executor, Radio Station KZPO(FM), Lindsay, CA, Applicant; The Estate of H.L. Charles, Robert Willing, Executor, Radio Station KZPE(FM), Ford City, CA, Applicant; William L. Zawila, Radio Station KNGS(FM), Coalinga, CA, Applicant*, Application For Review, dated Nov. 3, 2010.

Station KAAX(FM) - After this case was designated for hearing, the permittee for Station KAAX(FM) filed an application to assign its authorization pursuant to the Commission's minority distress sale policy. The assignment application was dismissed as moot by the Media Bureau on November 5, 2010.<sup>9</sup> To the best of the Bureau's knowledge and belief, the dismissal of the assignment application is final.

Station KYAF(FM) - After this case was designated for hearing, the permittee for Station KYAF(FM) filed an application to assign its authorization pursuant to the Commission's minority distress sale policy. The assignment application was dismissed as moot by the Media Bureau on November 5, 2010.<sup>10</sup> To the best of the Bureau's knowledge and belief, the dismissal of the assignment application is final.

Station KZPE(FM) - After this case was designated for hearing, the permittee for Station KZPE(FM) filed an application to assign its authorization pursuant to the Commission's minority distress sale policy. On January 7, 2005, OMD dismissed the application for non-payment of regulatory fees, pursuant to the Commission's Red Light Rule.<sup>11</sup> The permittee appealed OMD's action, and its application for review is currently pending before the Commission.<sup>12</sup>

Station KZPO(FM) - After this case was designated for hearing, the licensee for Station KZPO(FM) filed an application to assign its authorization pursuant to the Commission's minority distress sale policy. On January 7, 2005, OMD dismissed the application for non-payment of regulatory fees, pursuant to the Commission's Red Light Rule.<sup>13</sup> The licensee appealed OMD's action, and its application for review is currently pending before the Commission.<sup>14</sup>

Station KKFO(AM) - There are no applications pending related to Station KKFO(FM). To the best of the Bureau's knowledge and belief, the authorization for Station KKFO(FM) has been surrendered.

### **C. Recent Hearing Preparations**

Because this proceeding has been stayed, the Bureau has not engaged in any hearing preparation activities within the past year. However, Bureau counsel contacted Mr. Zawila on November 6, 2014, and discussed this case and matters related to submission of this Status Report with him. To the best of the Bureau's knowledge and belief, the other parties also have not engaged in hearing preparation activities within the past year.

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<sup>9</sup> See *Broadcast Actions*, Public Notice, Report No. 47360 (Med. Bur. 2010).

<sup>10</sup> See *id.*

<sup>11</sup> See *supra*, note 7.

<sup>12</sup> See *supra*, note 8.

<sup>13</sup> See *supra*, note 7.

<sup>14</sup> See *supra*, note 8.

#### **D. Discovery Required**

Shortly after this proceeding was designated for hearing, the Bureau served Requests for Admissions of Fact and Genuineness of Documents on the other parties. The case was subsequently stayed, and no further discovery occurred. Thus, the Bureau anticipates that upon this proceeding being returned to active hearing status, it will need to initiate discovery through the use of interrogatories, documents requests, and depositions as if the case were only recently designated for hearing. Without having ever previously engaged in any meaningful discovery in this proceeding, and given the likelihood that circumstances may have changed with regard to the availability of evidence for at least some of the issues that were designated for hearing more than ten years ago, the Bureau is unable at this time to quantify the extent of the discovery that it will need.

#### **E. Discovery and Hearing Schedule**

The Bureau requests that the current stay of this proceeding be lifted so that discovery may begin. The parties have been unable to agree on a proposed discovery and hearing schedule. Consequently, assuming the stay is lifted within the next two to four weeks, the Enforcement Bureau proposes the following discovery and hearing schedule:

April 15, 2015	Deadline for completion of discovery
June 10, 2015	Exchange of direct case exhibits
June 17, 2015	Notification of witnesses for cross-examination
July 01, 2015	Admissions session
July 14, 2015	Commencement of hearing in Washington, DC

#### **F. Contact Information.**

The contact information for Bureau counsel in this proceeding is:

Judy Lancaster, Esq.  
Investigations and Hearings Division  
Enforcement Bureau  
445 12<sup>th</sup> Street, S.W., Room 4-C330  
Washington, D.C. 20554  
Phone: 202-418-7584  
Email: [Judy.Lancaster@fcc.gov](mailto:Judy.Lancaster@fcc.gov)

#### **G. Recent Enforcement Bureau Steps Taken**

Because this proceeding has been stayed, the Bureau has not taken any steps to prosecute this case within the past year. Although the Bureau discussed the status of this case with Mr. Zawila on November 6 while preparing this Status Report, it otherwise has had no contact with any of the parties within the past year.

4. The Bureau respectfully requests that the Presiding Judge schedule a pre-hearing conference to discuss the status of this proceeding. The Bureau also requests that the Presiding Judge require each of the captioned parties, by a date certain, to file an updated Notice of Appearance that includes a statement signed by a principal thereof confirming and renewing its willingness to appear on the date fixed for hearing and present evidence on the designated issues.

Respectfully submitted,

Travis LeBlanc  
Chief, Enforcement Bureau



Judy Lancaster  
Attorney, Investigations and Hearings Division  
Enforcement Bureau

Federal Communications Commission  
445 12th Street, S.W., Room 4-C330  
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November 7, 2014

**CERTIFICATE OF SERVICE**

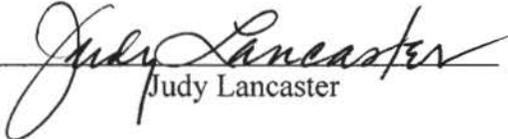
I, Judy Lancaster, an Attorney in the Enforcement Bureau's Investigations & Hearings Division, certify that I have, on this 7<sup>th</sup> day of November, 2014, delivered copies of the foregoing "Enforcement Bureau's Status Report," by First Class U.S. Mail, Fax or Hand-delivery to:

By First Class U.S. Mail and Fax to:

William Zawila, Esq.  
12600 Brookhurst Street, Suite 105  
Garden Grove, CA 92804-4833  
Fax: 714-636-5042

By Hand Delivery To:

Chief Administrative Law Judge Richard L. Sippel  
Federal Communications Commission  
445 12th Street, S.W., Room 1-C768  
Washington, D.C. 20054

  
Judy Lancaster