

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

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| In the Matter of |) | EB Docket No. 03-152 |
| |) | |
| WILLIAM L. ZAWILA |) | Facility ID No. 72672 |
| |) | |
| Permittee of FM Station KNKS, Coalinga, California |) | |
| |) | |
| 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: Chief Administrative Law Judge Richard L. Sippel

ENFORCEMENT BUREAU'S REQUEST FOR STATUS CONFERENCE

1. The Enforcement Bureau (Bureau) respectfully requests that the Presiding Judge schedule a status conference in the above-captioned matter. There are a number of issues pending before the Presiding Judge which must be resolved to move this case forward.

2. First, there is currently a question as to whether Mr. Zawila or Mr. Couzens is authorized to represent two of the named parties in this case: Avenal Educational Services, Inc. (Avenal) and Central Valley Educational Services, Inc. (Central Valley). On June 4, 2015, the Presiding Judge issued *Order*, FCC 15M-21, directing the Bureau to seek the addition of this issue to the above-captioned proceeding.¹ On June 18, 2015, the Bureau complied with the Presiding Judge's instruction and filed a motion to enlarge the proceeding to add this issue.²

3. Second, also in accordance with the Presiding Judge's instructions in *Order*, FCC 15M-21, the Bureau quickly commenced its discovery efforts and served its first set of interrogatories on July 28, 2015 and first set of document requests on July 29, 2015. Mr. Zawila served responses to the Bureau's interrogatories and document requests on behalf of Avenal, Central Valley, The Estate of Linda Ware d/b/a Lindsay Broadcasting (LB), The Estate of H.L. Charles d/b/a Ford City Broadcasting (FCB), and himself, each of which contain nothing but baseless general objections and no substantive information. Complicating matters, Mr. Couzens

¹ See *Order*, FCC 15M-21 (ALJ, rel. June 4, 2015) at 3.

² See Enforcement Bureau's Supplemental Motion to Add Issues With Proposed Order, filed June 18, 2015. In accordance with the Commission's rules, the parties filed oppositions to the Bureau's motion and the Bureau filed a reply. See § 47 C.F.R. §§ 1.229 and 1.294(c). Avenal and Central Valley then filed a motion to strike portions of the Bureau's reply – which as the Bureau noted in its opposition thereto – was nothing more than a thinly-veiled unauthorized sur-reply. See Enforcement Bureau's Opposition to Motion to Strike, filed Jul. 15, 2015. Avenal and Central Valley then filed a reply in response to the Bureau's July 15, 2015 opposition which the Bureau moved to strike as unauthorized under the Commission's rules. See Enforcement Bureau's Motion to Strike Unauthorized Reply, filed Jul. 23, 2015, and 47 C.F.R. § 1.294(b).

also served responses to the Bureau's document requests on behalf of Avenal and Central Valley. These responses similarly consist of almost entirely general objections and fail to provide any substantive information. They also appear to suggest (in the midst of a series of personal attacks against Bureau counsel) that Mr. Couzens would not serve any responses to the Bureau's interrogatories on behalf of Avenal and Central Valley. The Bureau saw no option but to file motions to compel against all of the parties.³

4. Third, there is also pending the question of Avenal and Central Valley's motion to dismiss all of the issues designated for hearing.⁴ This motion was filed by Mr. Couzens despite the fact that it remains unclear whether Mr. Couzens has the authority to act on behalf of Avenal and Central Valley. In addition, this motion seeks to dismiss the entire proceeding even though Mr. Couzens has never made any claim to represent – and as such has no authority to act on behalf of – any of the remaining parties to this case. Notably, none of these additional parties joined Avenal and Central Valley's motion to dismiss. Moreover, even limiting the scope of the motion to just those issues designated against Avenal and Central Valley, the motion does not present any basis upon which to dismiss the case against them.

5. The Bureau requests a status conference, therefore, as the most expeditious manner in which to address and resolve these pending questions and to determine the next steps in this case.

³ See Enforcement Bureau's Motion to Compel William L. Zawila to Provide Complete Responses to Outstanding Discovery Requests, filed Aug 21, 2015; Enforcement Bureau's Motion to Compel The Estate Of H.L Charles d/b/a Ford City Broadcasting to Provide Complete Responses to Outstanding Discovery Requests, filed Aug. 21, 2015; Enforcement Bureau's Motion to Compel The Estate Of Linda Ware d/b/a Lindsay Broadcasting to Provide Complete Responses to Outstanding Discovery Requests, filed Aug. 21, 2015; Enforcement Bureau's Motion to Compel Avenal Educational Services, Inc. and Central Valley Educational Services, Inc. to Provide Complete Responses to Outstanding Discovery Requests, filed Aug. 21, 2015.

⁴ See Motion to Dismiss Entire Proceeding, filed Sept. 22, 2015. The Bureau filed an opposition to this motion to dismiss. See Enforcement Bureau's Opposition to Motion to Dismiss Entire Proceeding, filed Sept. 29, 2015.

Respectfully submitted,

Travis LeBlanc
Chief, Enforcement Bureau



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December 3, 2015

CERTIFICATE OF SERVICE

Alicia McCannon, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 3rd day of December, 2015, sent copies of the foregoing "ENFORCEMENT BUREAU'S REQUEST FOR STATUS CONFERENCE" to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
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