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

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In the Matter of )  
)  
FAMILY BROADCASTING, INC. )  
)  
Order to Show Cause Why the Licenses for )  
Stations WSTX(AM) and WSTX-FM, )  
Christiansted, U.S. Virgin Islands, )  
Should Not Be Revoked )  
)  
TO: The Full Commission )

EB Docket No. 01-39

**PETITION FOR RECONSIDERATION**

Pursuant to Section 405 of the Communications Act, 47 U.S.C. Section 405, Family Broadcasting, Inc. ("Family"), by its attorney, respectfully requests the full Commission to reconsider and set aside the "Order to Show Cause and Notice of Opportunity for Hearing" ("Order to Show Cause"), released in this proceeding on February 13, 2001, and to instead give Family a reasonable opportunity to correct the various technical and other deficiencies specified in the Order to Show Cause. In support thereof, it is alleged:

1. By Order to Show Cause and Notice of Opportunity for Hearing, released in this proceeding on February 13, 2001, the Commission ordered Family, the licensee of AM Broadcast Station WSTX(AM) and FM Broadcast Station WSTX-FM, Christiansted, U.S. Virgin Islands, to show cause why the licenses of the aforesaid broadcast stations should not be revoked. Numerous

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ENCLOSURE

technical deficiencies are alleged in the Order to Show Cause. In particular, it is alleged and Family hereby concedes that it has operated FM Broadcast Station WSTX-FM from a location not authorized in its license. Additionally, the Order to Show Cause alleges that there have been certain misrepresentations, principally relating to the reasons why the FM transmitter was removed from its authorized location on Blue Mountain.

2. A majority of the stock of Family is owned by Gerard Luz A. James. A Declaration of Mr. James is attached. As indicated in his Declaration, Mr. James concedes that there were certain inaccuracies in statements which he made to the FCC. However, as he explains, he did not make these inaccurate statements for the purpose of deceiving the Commission. Rather, he was deeply humiliated and embarrassed by the real reasons surrounding the loss of the Blue Mountain site, i.e., his inability to pay the rent. In his Declaration, Mr. James takes full responsibility for his actions and explains that aside from a modest home the only assets which he possesses of any value are the radio stations. None of the James children have been involved in any wrongdoing, whatsoever. It would not be fair or equitable for them to suffer the consequences of any wrongs committed by Luz James. Therefore, subject to prior FCC consent, Luz James proposes to make a gift of all of his stock in Family to his children. Furthermore, to avoid any inference that he might be retaining stock in his wife's name, Mr. James' wife, Asta, will also donate all of her stock to the children.

3. Also attached is a Declaration of Barbara James-Petersen. She is the eldest of the four James children. Her siblings consist of three brothers: Gerard Luz A. James, II, Emmeth C. James, and Kelsey G. James. As Mrs. James-Petersen explains, she had absolutely no knowledge of the unauthorized operations of the FM transmitter or any other technical violations (other than

some very minor violations discovered at the time of an FCC inspection). She is taking charge of the operation of the radio stations and will be working in the next few weeks to correct the technical violations. Indeed, a competent consulting engineer, Gil Moor, is being engaged to file an application for a construction permit to relocate the FM broadcast station to a proper transmitter site on Recovery Hill. Additionally, legal counsel will shortly be filing an application for Commission consent to the transfer of control of Family from Luz James to the James children. Furthermore, legal counsel is making an exhaustive study of all of the paperwork filed with the FCC or not filed with the FCC by Family and will be guiding Mrs. James-Petersen in a thorough procedure to correct any and all outstanding violations.

4. Family does not expect the Commission to act on this Petition for Reconsideration immediately. To the contrary, Family expects that the Commission will wish to delay action for a reasonable period of time, until the Commission and its Enforcement Bureau are satisfied that all technical violations at Stations WSTX AM and FM have been fully corrected.

5. In the meantime, however, the financial resources of the James family are limited. They should be spending their money on the relocation of the FM transmitter to a lawful location and on other measures designed to bring the WSTX AM and FM operations into complete compliance with the Commission's Rules and Regulations, the Communications Act, and the terms of the stations' licenses. They should not be spending that money on legal fees to prosecute a hearing proceeding before the Commission. Therefore, Family will ask the Chief, Enforcement Bureau to join in requesting the Administrative Law Judge to postpone the hearing proceeding in order to give Family an opportunity to demonstrate that it has, in fact, brought the operations of Stations WSTX AM and FM into full compliance with all legal requirements.

6. There is precedent for the relief sought. In Petroleum v. Nasby Corporation, 10 FCC Rcd 6029 (Rev. Bd. 1995), the Review Board conditionally upheld a decision by an Administrative Law Judge, renewing the license of an FM broadcast station, whose principal owner had been sentenced to a lengthy prison term for serious broadcast-related felonies. The renewal was granted upon a finding that the wrongdoer had transferred his stock to his children and other family members who were in no way involved in the wrongdoing. That will, of course, be the situation here, once Commission consent is obtained to the gifts contemplated by Luz James and his wife.

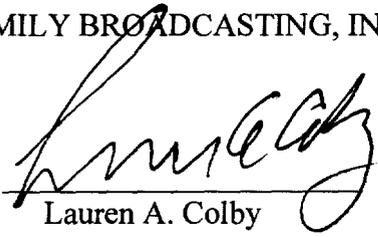
Respectfully submitted,

March 14, 2001

FAMILY BROADCASTING, INC.

Law Office of  
LAUREN A. COLBY  
10 E. Fourth Street  
P.O. Box 113  
Frederick, MD 21705-0113

By:

  
Lauren A. Colby  
Its Attorney



Broadcasting, Inc., to my children, Barbara, Luz, Emmeth and Kelsey. Although my wife, Asta, has been guilty of no wrongdoing, she is also gifting all of her stock to the same children, so as to avoid even the appearance that I am retaining stock in my wife's name in order to retain control of the business. My wife and I understand that these gifts require prior FCC consent and an application for such consent will be filed immediately.

Further declarant sayeth not.

GERARD LUZ A. JAMES

Dated:

March 14, 2001

By:

Gerald Luz James



7. My father paid \$525,000 for Stations WSTX AM and FM. In the intervening years since he bought the stations, a series of hurricanes have wrecked havoc on the Virgin Islands. With each hurricane, more and more retail businesses have been destroyed and fewer and fewer advertisers have been available to support the stations. Nevertheless, the stations constitute the only valuable asset held by my father for the benefit of his children and his grandchildren.

8. In 1998, when I returned to the radio station, I was aware that the FM transmitter equipment was operating from the AM site, but I was not made aware that there was anything unlawful about this. I did not know the difference between an exciter and a transmitter; I was not and I am not an engineer. I have since learned, however, that the operation of the FM station from the AM site is not authorized by the station's license and I have taken steps to immediately restore the FM station to legal operation by constructing a new transmitting facility on Recovery Hill in accordance with the application which is being filed by Family Broadcasting, Inc.

9. The James family is a proud family in the Virgin Islands. Our ancestors came to the Virgin Islands some 400 years ago from Africa and Europe. Among our family we have lawyers, doctors, members of the legislature, and other prominent professions. My father is a proud man. Since the time that I was a little girl, he has tried to shield me and my siblings from any unpleasantness. Thus, I never knew that he had any financial difficulties at the Blue Mountain site, or that the station was evicted from the site for non-payment of rent, because he never told me. I always assumed that Stations WSTX AM and FM were operating perfectly legally, in accordance with all FCC rules and regulations and the terms of their licenses. My father never gave me any hint that this was not so. Thus, when I saw the order to show cause, I was utterly shocked.

10. In the order to show cause, there is an allegation that I accompanied an FCC inspector on a visit to Station WSTX(AM) and that during the visit the inspector discovered a hole in the fencing surrounding the AM towers. That is true. However, as soon as we discovered the hole, I immediately had it repaired and the repairs were completed by the end of the month in which the inspection took place. Now, the only access to the area is through a locked gate. During the same inspection, it was discovered that the power supply to the printer used by the EAS had failed and that the printer was inoperative. I was already aware of that and had contacted the manufacturer to send a new power supply, which arrived shortly after the inspector's visit, and the printer was restored to operation. At the time of the inspector's visit, it was also called to my attention that many items were missing from the stations' public file. At the suggestion of the inspector, I sent a person to the FCC in Washington to copy all of the documents in the stations' files. Thus, the public file was completely reconstructed within a short time after the inspector's visit.

11. My father is 75 years old and has a history of heart problems. In fact in January 2000, he was airlifted to hospital in New Orleans, where he had a triple bypass. I know that he has always tried to do the best he could for myself and the other members of his family. I also recognize, after reviewing the order to show cause, that he made some mistakes. I have discussed these matters with him and he has agreed to turn over all of his stock to other family members; resign as an officer and director of Family Broadcasting, Inc., and divest himself completely of any involvement with

the radio stations.

12. Legal counsel has been instructed to determine whether this requires the filing of applications with the FCC and, if it does, to prepare and file the necessary application(s). For my part, I have engaged legal and engineering communications counsel to clean up any and all FCC rule violations which may exist and I assure the Commission that if I am permitted to do that, Stations WSTX AM and FM will, in the future, operate in complete accordance with the Commission's Rules and Regulations, the Communications Act, and the terms of the stations' licenses.

13. Despite the technical deficiencies in the operations of the stations, I believe that they have duly served the public in the Virgin Islands. After Hurricane Marilyn, we turned over a half hour of our programming time, five days per week, to FEMA, so that they could communicate with the devastated areas of the island. We provide various departments of the Virgin Islands government with free airtime. For example, the Department of Public Safety has a one hour program running each week. Also, with the devastation in retail business which has occurred in recent years, we have supplied liberal credit to all merchants, allowing them to broadcast advertisements over our facilities without requiring immediate payment. As a practical matter, this probably means without requiring payment at all.

14. We are the only radio station in St. Croix which is truly locally owned. There is another station which is owned by a former resident of the British Virgin Islands, but we are the only local family to own a radio station in St. Croix. For that reason, St. Croix residents look to us primarily as their local radio station.

Further declarant sayeth not.

BARBARA JAMES-PETERSEN

Dated: March 12, 2001

By: Barbara James-Petersen

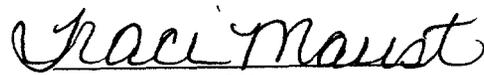
CERTIFICATE OF SERVICE

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 14<sup>th</sup> day of March, 2001, to the offices of the following:

Honorable Richard L. Sippel  
Administrative Law Judge  
F.C.C.  
445 12<sup>th</sup> Street, S.W.  
Room 1-C768  
Washington, D.C. 20554

Kathy Berthot, Esq.  
Enforcement Bureau  
Technical and Public Safety Division  
F.C.C.  
445 12<sup>th</sup> Street, S.W., Room 7-C802  
Washington, D.C. 20554

Charles Kelley, Esq.  
Enforcement Bureau  
Investigations/Hearing Division  
F.C.C.  
445 12<sup>th</sup> Street, S.W.  
Room 3-B443  
Washington, D.C. 20554

  
Traci Maust