

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

MAY 10 2002

AMD-FO
(CHRON)

OFFICE OF
MANAGING DIRECTOR

Ellen Mandell Edmundson
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W.
Suite 301
Washington, DC 20016

Re: Request for Waiver of FY 2001
Regulatory Fee
Fee Control No. 0109188835501004

Dear Ms. Edmundson:

This letter is in response to your request for waiver of the Fiscal Year (FY) 2001 regulatory fee in the amount of \$2,060 submitted on behalf of Mandujano Y. Asosados, Inc., licensee of FM station KPQZ, Amarillo, Texas.

You state that on April 26, 2001 the 320th Judicial District Court In and For Potter County, Texas appointed a receiver for the licensee, and on June 20, 2001 the Commission consented to an involuntary transfer of control of KPQZ to the receiver. Based upon this showing, you claim financial hardship and request a waiver and refund of the fee payment.

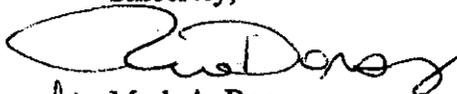
The Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship. Evidence of bankruptcy or receivership is sufficient to establish financial hardship. See Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759, 12762 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). You have submitted information to show that the licensee was in receivership at the time the FY 2001 regulatory fee was paid. Accordingly, your request for waiver and refund of the fee is granted.

Ellen Mandell Edmundson

2.

A check, made payable to the maker of the original check and drawn in the amount of \$2,060, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Revenue and Receivable Operation Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger". The signature is written in a cursive style with a large initial "M".

for Mark A. Reger
Chief Financial Officer

0109188835501004

LAW OFFICES
SMITHWICK & BELENDIUK, P.C.

5028 WISCONSIN AVENUE, N.W.
SUITE 301
WASHINGTON, D.C. 20016
TELEPHONE (202) 363-4050
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MAR 5 2 02 PM '02

GARY S. SMITHWICK
ARTHUR V. BELENDIUK

COUNSEL

DIRECT DIAL NUMBER: (202) 537-8009
E-MAIL ADDRESS: ellen@fccworld.com

WILLIAM M. BARNARD
JAMES K. EDMUNDSON
ELLEN MANDELL EDMUNDSON

March 5, 2002

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington D.C. 20554

RECEIVED

MAR - 5 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Mandujano Y Asosiados, Inc.
KPQZ(FM), Amarillo, TX
Request for waiver and refund of FY2001 regulatory fee payment

Dear Mr. Caton:

On behalf of Mandujano Y Asosiados, Inc. ("Licensee"), licensee of FM Station KPQZ, Amarillo, TX, and pursuant to Section 1.1166 of the Commission's rules, the purpose of this submission is to request (i) a waiver of the FY2001 annual regulatory fee payment requirement for KPQZ and associated auxiliary WPNI607 (collectively "the Station") and (ii) a refund of the \$2,060.00 FY 2001 annual regulatory fee payment for the Station.

In support hereof, the following is respectfully shown:

By Order filed on April 26, 2001, the 320th Judicial District Court In and For Potter County, Texas, appointed Roger S. Cox the Receiver for the Licensee (copy attached hereto as Attachment A). The Commission subsequently consented to an involuntary transfer of control of KPQZ to the Receiver under File No. BTCH-20010613ADF (copy attached hereto as Attachment B), and on June 27, 2001, the Commission was notified of the completion of the involuntary transfer (copy attached hereto as Attachment C).

On or about September 11, 2001, the Receiver submitted the annual regulatory fee payment for the Station in the amount of \$2,060.00 (Check No. 3040). Copies of the Licensee's Form 159 Remittance Advice and the Receiver's cancelled check are attached hereto as Attachment D.

Thus, at the time the FY2001 regulatory fee payment was made, the Licensee was in receivership. The Licensee remains in receivership at this writing.

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ACCOUNT PROCESSING
PROB/D/PT/PT

SMITHWICK & BELENDIUK, P.C.

Mr. William F. Caton
March 5, 2002
Page 2

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ADULTS

It is the stated policy of the Commission to waive the annual regulatory fee payment requirement for licensees whose stations are in receivership. Implementation of Section 9 of the Communications Act, 10 FCC Rcd 12759 at para. 14 (1995). Pursuant to Rule Section 1.1166(c), submitted fees will be returned if a waiver of the regulatory fee requirement is granted. Based on the foregoing, waiver of the FY2001 regulatory fee payment requirement for the Station, and refund of the FY2001 regulatory fee payment for the Station made by the Receiver, is respectfully requested.

In accordance with Rule Section 1.1160(a)(1) and (3), it is respectfully requested that the refund be made directly to the payor:

Roger S. Cox, Receiver
For Mandujano Y Asosiados, Inc.
320 S. Polk, Suite 700
1 Maxor Plaza
Amarillo, TX 79101

Please direct any questions or correspondence with respect to this request to undersigned counsel.

Sincerely yours,


Ellen Mandell Edmundson

Attachments

Cc (w/ attachments): Andrew S. Fishel, Managing Director *
Mark A. Reger, Chief Financial Officer *
Roger Cox, Receiver
Bob Russell (LPF)

* by hand delivery

ATTACHMENT A

IN THE 320TH JUDICIAL DISTRICT COURT
IN AND FOR POTTER COUNTY, TEXAS

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MAR 6 2 05 PM '02
FILED
CAROLINE WOODBURN
DISTRICT CLERK
2001 MAR 30 P 4: 38
POTTER COUNTY, TEXAS

SUN BANK, a Texas banking corporation,
Plaintiff,

v.

MANDUJANO Y ASOSIADES, INC.,
Defendant.

§
§
§
§
§
§

No. 87,963-

BY BP DEPUTY

ORDER APPOINTING SUBSTITUTE RECEIVER

On or about March 2, 2001, Plaintiff's application for appointment of a receiver to liquidate Defendant came on for consideration. All parties appeared through their respective attorneys and consented to the court's hearing of this matter. The court, having read the pleadings, examined the evidence and the prior agreement of the parties, and hearing the argument of counsel, previously determined that a receiver should be appointed as authorized by Article 7.07 and pursuant to Art. 7.05(2) of the Texas Business Corporation Act.

By order signed March 5, 2001, the court accordingly appointed Gary Barnard of Amarillo, Texas to serve as receiver; however, he has failed to file a bond or otherwise take any of the steps required of the receiver. Therefore, the court finds it is necessary and appropriate to appoint a receiver to act in the place and stead of Gary Barnard.

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that ROGER S. COX, licensed as an attorney at law and residing in Amarillo, Texas, possesses the necessary qualifications, and is not an attorney for or related to any party to this action and is a proper person to be, and he is hereby, appointed Receiver of the Defendant and its assets, conditioned upon the following:

- (a) Pursuant to Rule 695 of the Texas Rules of Civil Procedure, Plaintiff shall file a bond in the amount of \$ 2000 5000, conditioned for the payment of all damages and costs in this such, should it be subsequently determined that the Receiver was wrongfully appointed to take charge of the business of Mandujano Y Asosiades and its assets; and

ORDER APPOINTING RECEIVER

A CERTIFIED COPY
Page 1 of 3
CAROLINE WOODBURN
District Clerk
Potter County, Texas

786 - 414 By NK Deputy

PAGE 1 OF 3

ORIGINAL

- copies of all federal income tax returns, IRS 940 withholding returns, and any other tax return or information return provided to the United States Internal Revenue Service during the past two years;
- all franchise tax reports and other informational filings with the Texas Secretary of State or the Texas State Comptroller;
- all stock transfer ledger, shareholder records, or other lists reflecting the name, address, and other contact information of each shareholder of the Corporation;
- a list of all officers and directors of the Corporation as of the commencement of this receivership;
- all bank statements of the Corporation for each of the past twelve (12) months;
- an itemization of all payments to Socorro Medina or Hugo Medina since ~~July~~ ^{January} 1, 2001, including salaries, expense reimbursements, or any other payment or distribution;
- copies of all leases and executory contracts to which the Corporation is a party.

IT IS FURTHER ORDERED that each of the above items shall be delivered to the Receiver or to Russ DeVore, counsel for the Receiver, on or before ^{noon} 5:00 p.m., May ~~4~~, 2001.

IT IS FURTHER ORDERED that the Receiver and any counsel or agent acting on behalf of the Receiver shall be granted full access to all of the Corporation's facilities, books, and records, whether with or without advance notice, and no officer, director, or employee of the Corporation shall impede that access in any way.

IT IS FURTHER ORDERED that so long as any of the current officers or directors remain in possession or control of the Corporation's broadcast facilities or any other asset of the Corporation, such persons (including, without limitation, Socorro Medina and/or Hugo Medina) shall provide a detailed, written accounting of all daily cash income and expenditures, delivered to the Receiver or his counsel weekly, or before noon on each Monday following the week for which the report is made.

IT IS FURTHER ORDERED that the present officers and directors of the Corporation shall not sell, rent, lease, or otherwise dispose of any asset of the Corporation without the express approval of the Receiver or his counsel or by written order of this court as long as this receiver is in effect.

ORDER TO COMPEL REPORTING AND ACCOUNTING

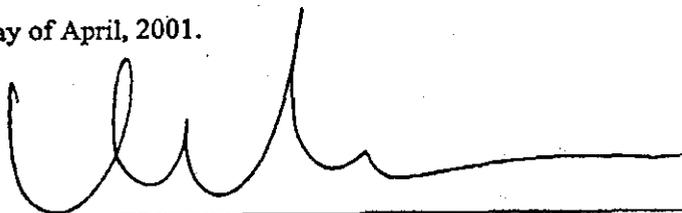
A CERTIFIED COPY
 Page 2 of 3
 CAROLINE WOODBURN
 District Clerk
 Potter County, Texas

PAGE 2 OF 3

1515 AK, Deputy

IT IS FURTHER ORDERED that nothing contained in this order is intended to limit or diminish the Receiver's powers in any way, nor is this order intended to express or imply any intent on the part of this court or the Receiver with respect to how long and to what extent the current officers shall be allowed to remain in control of any assets of the Corporation, which shall remain at the sole discretion of the Receiver, subject only to further orders of this court.

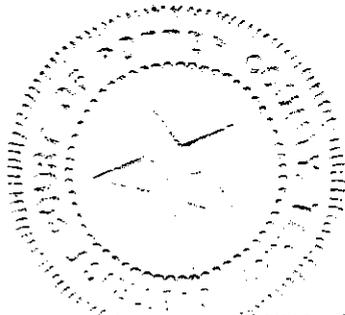
SIGNED this 26 day of April, 2001.



DISTRICT JUDGE PRESIDING

I, Caroline Woodburn, Clerk of the District Courts and County Courts at Law, in and for Potter County, Texas, do hereby certify that the foregoing instrument is a correct copy of the original on file in this office

ATTESTED this 23rd day of May 2001
By Helen R. [Signature] Deputy



A CERTIFIED COPY
Page 3 of 3
CAROLINE WOODBURN
District Clerk
Potter County, Texas

By [Signature], Deputy

ORDER TO COMPEL REPORTING AND ACCOUNTING

FILED
CAROLINE WOODBURN
DISTRICT CLERK

2001 APR 26 A 10:29

POTTER COUNTY TEXAS

BY [Signature] DEPUTY

ATTACHMENT B



UNITED STATES OF AMERICA
 FEDERAL COMMUNICATIONS COMMISSION
 WASHINGTON, D.C. 20554

(FOR CHIEF AUDIO SERVICES DIVISION, MASS MEDIA BUREAU)
H. J. [Signature]
 Date: 6/20/01

| | |
|---|--|
| <input type="checkbox"/> CONSENT TO ASSIGNMENT: <input checked="" type="checkbox"/> CONSENT TO TRANSFER: | FROM: SOCORRO MANDUJANO DE MEDINA, ET. AL. |
| | TO: ROGER COX, RECEIVER |

Licensee/Permittee: MANDUJANO Y ASOSIADOS, INC.
 (for transfer only)

| CALL CLASS | CALL SIGN | FACILITY ID | FILE# | STATION LOCATION | AUXILIARY STATIONS |
|------------|-----------|-------------|------------------|------------------|---|
| FM | KPOZ | 39781 | BTCH-20010613ADP | AMARILLO, TX | ALL CURRENTLY AUTHORIZED AUXILIARY STATIONS |

Under authority of the Communications Act of 1934, as amended, the consent of the Federal Communications Commission is hereby granted to the transaction indicated above. The Commission's consent to the above is based on the representations made by the applicants that the statements contained in, or made in connection with, the application are true and that the undertakings of the parties upon which this transaction is authorized will be carried out in good faith. The actual consummation of voluntary transactions shall be completed within 90 days from the date hereof, and notice in letter form thereof shall promptly be furnished to the Commission by the buyer showing the date the acts necessary to effect the transaction were completed. Upon furnishing the Commission with such written notice, this transaction will be considered completed for all purposes related to the above described station(s). FCC Form 323, Ownership Report, must be filed within 30 days after consummation, by the licensee/permittee or assignee.

ADDITIONAL REQUIREMENTS FOR ASSIGNMENTS ONLY:

Upon consummation the assignor must deliver the permit/license, including any modifications thereof to the assignee. It is hereby directed that, upon consummation, a copy of this consent be posted with the station authorization(s) as required by the Commission's Rules and Regulations. The assignee is not authorized to construct nor operate said station(s) unless and until notification of consummation in letter form has been forwarded to the Commission.

ATTACHMENT C

LAW OFFICES
SMITHWICK & BELENDIUK, P.C.

5028 WISCONSIN AVENUE, N.W.

SUITE 301

WASHINGTON, D.C. 20016

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FACSIMILE (202) 363-4266

WWW.FCCWORLD.COM

STAMP & RETURN

FILE COPY

GARY S. SMITHWICK
ARTHUR V. BELENDIUK

DIRECT DIAL NUMBER: (202) 537-8009
E-MAIL ADDRESS: ellen@fccworld.com

COUNSEL

WILLIAM M. BARNARD
JAMES K. EDMUNDSON
ELLEN MANDELL EDMUNDSON

June 27, 2001

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JUN 27 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington D.C. 20554

Re: KPQZ(FM), Amarillo, TX
Facility ID No. 39781
FCC File No. BTCH-20010613ADF

Dear Ms. Salas:

The purpose of this letter is to advise the Commission that the above-referenced pro forma involuntary transfer of control of Mandujano & Asosiados, licensee of FM station KPQZ, Amarillo, TX, to Roger, Cox, Receiver, was completed on June 20, 2001.

Should there be any questions concerning this matter, please contact undersigned counsel.

Sincerely yours,



Ellen Mandell Edmundson

cc: Ms. Druscilla Smalls, FCC, Room 2-A142
KPQZ (LPF)

ATTACHMENT D

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE

Approved by OMB 3060-0589 Page No 1 of 1

(1) LOCKBOX #

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(7) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) Mandujano Y Asociados, Inc. (ROGER S. COX, RECEIVER)

(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) \$2,060.00

(4) STREET ADDRESS LINE NO. 1 320 S. Polk, Suite 700

(5) STREET ADDRESS LINE NO. 2

(6) CITY Amarillo

(7) STATE TX

(8) ZIP CODE 79101

(9) DAYTIME TELEPHONE NUMBER (include area code) (806) 372-2020

(10) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)

0004-9987-53

(12) PAYER (TIN)

752723429

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME

(14) STREET ADDRESS LINE NO. 1

(15) STREET ADDRESS LINE NO. 2

(16) CITY

(17) STATE

(18) ZIP CODE

(19) DAYTIME TELEPHONE NUMBER (include area code)

(20) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN)

(22) APPLICANT (TIN)

COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID KPD7-FM

(24A) PAYMENT TYPE CODE 0150

(25A) QUANTITY 01

(26A) FEE DUE FOR (PTC) \$2,050.00

(27A) TOTAL FEE \$2,050.00

FCC USE ONLY

(28A) FCC CODE 1

(29A) FCC CODE 2

(23B) CALL SIGN/OTHER ID WPNI607

(24B) PAYMENT TYPE CODE 0169

(25B) QUANTITY 01

(26B) FEE DUE FOR (PTC) \$10.00

(27B) TOTAL FEE \$10.00

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) I, ROGER S. COX RECEIVER, certify under penalty of perjury that the foregoing are true and correct to the best of my knowledge, information and belief. SIGNATURE [Signature] DATE 9/10/01

SECTION E - CREDIT CARD PAYMENT INFORMATION

(31) [] MASTERCARD

MASTERCARD/VISA ACCOUNT NUMBER:

EXPIRATION DATE:

[] VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.

SIGNATURE

DATE

Payment Transactions Detail Report

Date: 04/12/2002

BY: FEE CONTROL NUMBER

| Fee Control Number | Payor Name | | Fcc Account Number | Payer TIN | Received Date | | | | | | |
|--------------------|--|----------|--------------------|------------|---------------------|---------------------------|---------------|-----------|-------------------|------------|--------------|
| 0109188835501004 | MANDUJANO Y ASOCIADOS INC 320 S POLK SUITE 700 AMARILLO TX 79101 | | WP00042308 | 0752723429 | 19/17/2001 00:00:00 | | | | | | |
| Payment Amount | Current Balance | Seq Num | Payment Type Code | Quantity | Callsign Other Id | Applicant Name | Applicant Zip | Bad Check | Detail Amount | Trans Code | Payment Type |
| \$2,060.00 | \$2,060.00 | 1 | 0150 | 1 | KPQZFM | MANDUJANO Y ASOCIADOS INC | 79101 | | \$2,050.00 | 1 | PMT |
| \$2,060.00 | \$2,060.00 | 2 | 0169 | 1 | WPNI507 | MANDUJANO Y ASOCIADOS INC | 79101 | | \$10.00 | 1 | PMT |
| Total | | 2 | | | | | | | \$2,060.00 | | |