

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

JAN 31 2003

OFFICE OF
MANAGING DIRECTOR

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

Re: Request for Filing Fee Waiver
And Refund
Fee Control No. 0209248195274003

Dear Ms. Edmundson:

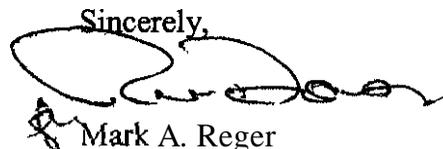
This letter is in response to your request for waiver and refund of the filing fee for Special Temporary Authority in the amount of \$135 submitted on behalf of Mandujano Y. Asosados, Inc. (MAI), licensee of FM station KPQZ, Amarillo, Texas.

You recite that KPQZ was off the air from August 29, 2001 until August 4, 2002 and has since resumed full-time operation. Because of transmitter damage, however, you state that MAI is seeking Special Temporary Authority to continue operating KPQZ with reduced power pursuant to 47 C.F.R. § 73.1635. You add that the station is currently under the control of a court-appointed receiver, *see Order Appointing Substitute Receiver*, No. 87,963-D (320th Judicial District Court In and For Potter County, Texas, April 26, 2001), and that MAI's receivership status provides good cause for waiver of the filing fee.

Section 1.1117 of the Commission's Rules, 47 C.F.R. § 1.1117, provides that filing fees may be waived upon a showing of good cause and a finding that the public interest will be served thereby. See Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 2 FCC Rcd 3558, 3572-73 (1990). We find that MAI's current receivership substantiates its claim of financial hardship and demonstrates good cause for waiver of the filing fee. See MobileMedia Corporation, 14 FCC Rcd 8017, 8027 (1999) (bankruptcy establishes good cause for waiver of filing fee). Therefore, your request is granted.

A check, made payable to the maker of the original check and drawn in the amount of \$135 will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Revenue and Receivable Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

SMITHWICK & BELENDIUK P.C.
SMITHWICK & BELENDIUK P.C.

0209247115274003

5028 WISCONSIN AVENUE, N.W.
SUITE 301
WASHINGTON, D.C. 20016
TELEPHONE (202) 363-4050
FACSIMILE (202) 363-4266

GARY S. SMITHWICK
ARTHUR V. BELENDIUK

WWW.FCCWORLD.COM

COUNSEL

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

WILLIAM M. BARNARD
JAMES K. EDMUNDSON
ELLEN MANDELL EDMUNDSON

August 21, 2002

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
Post Office Box 358195
Pittsburgh, PA 15251-5195

**Re: KPQZ(FM), Amarillo, TX
FCC Facility ID No. 39781
Request For Special Temporary Authority To Continue
Reduced Power Operation and
Request For Filing Fee Waiver and Refund**

Dear Ms. Dortch:

By this submission, Mandujano Y Asosios, Inc., licensee of FM Station KFQZ, Amarillo, TX, requests Special Temporary Authority to continue operating KFQZ with reduced power, pursuant to Section 73.1635 of the Commission's rules.

The required Anti-Drug Abuse Act certification, a check in payment of the requisite FCC filing fee, and FCC Form 159 are attached hereto.

In addition, pursuant to Section 1.1117(c), a separate pleading is submitted herewith, marked to the attention of the Managing Director, to request waiver and refund of the filing fee payment. It is respectfully noted that Section 1.1117(e) requires applicants seeking fee waivers to submit the request for waiver with the application, required fee and FCC Form 159.

In support of the STA request, the following is respectfully shown:

The Commission's records will reflect that KPQZ was off the air from August 29, 2001 until August 4, 2002. On August 6, 2002, MAI notified the Commission that

SMITHWICK & BELENDIUK, P.C

Ms. Marlene H. Dortch
August 21, 2002
Page 2

KPQZ had resumed operation on August 4, 2002, but with reduced power,¹ and on a reduced schedule.² KPQZ has since resumed full-time operation.³ However, the station has been unable to achieve operation at its licensed power due to transmitter damage, including a short in the plate transformer. A new transmitter has been ordered and is expected to be delivered next month.

Under the circumstances, an STA is respectfully requested for KPQZ to continue operation with reduced power. KPQZ is presently operating with 13.55kW ERP. Operation at reduced power will serve the public interest by enabling KPQZ to continue operating pending delivery and installation of the new transmitter.

Should any question arise in connection with this matter, please contact undersigned counsel.

Sincerely yours,



Ellen Mandell Edmundson

Cc: Mark A. Reger*
Charles N. Miller *
Glenn Greisman *
Rebecca Brown *
KFQZ (LPF)

* by hand delivery

¹ Rule Section 73.1560(d) provides that an FM station may operate with reduced power for up to 30 days without prior ECC authorization in the event it becomes technically impossible to operate at authorized power, upon notification to the FCC within 10 days of commencing reduced power operation.

² Rule Section 73.1740 permits a station to operate with reduced hours for up to 30 days without prior FCC authorization where due to causes beyond the licensee's control, upon notification to the FCC within 10 days of commencing the reduced operating schedule.

³ MAI notified the FCC of resumption of full-time operation by letter dated August 19, 2002.

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

Approved by OMB
3060-0589
Page No 1 of 1

(1) LOCKBOX #

358195

SPECIAL USE

FCC USE ONLY

Roger S. Cox, Receiver

\$135.00

(4) STREET ADDRESS LINE NO. 1

Mandujano Y Asociados, Inc.

(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.)
USA

0004-9987-53

75-2723429

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

Mandujano Y Asociados, Inc.

(14) STREET ADDRESS LINE NO. 1

c/o Roger S. Cox, Receiver

(15) STREET ADDRESS LINE NO. 2

320 S. Polk, Suite 700

(16) CITY
Amarillo

(17) STATE
TX

(18) ZIP CODE
79101

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

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

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

(21) APPLICANT (FRN)
0004-9987-53

(22) APPLICANT (TIN)
75-2723429

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

(23A) CALL SIGN/OTHER ID
KPQZ

(24A) PAYMENT TYPE CODE
MGR

(25A) QUANTITY
1

(26A) FEE DUE FOR (PTC)
\$135.00

(27A) TOTAL FEE
\$135.00

FCC USE ONLY

(28A) FCC CODE 1

(29A) FCC CODE 2

(23B) CALL SIGN/OTHER ID

(24B) PAYMENT TYPE CODE

(25B) QUANTITY
1

(26B) FEE DUE FOR (PTC)

(27B) TOTAL FEE

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT

I, _____, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief. SIGNATURE _____ DATE _____

(31)

MASTERCARD/NISA ACCOUNT NUMBER

EXPIRATION

MASTERCARD

VISA

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

SIGNATURE _____ DATE _____

CERTIFICATION

I hereby certify that I ~~am~~ not subject to a denial of federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988.

Respectfully submitted,

By: 

Roger Cox, Receiver
Mandujano Y Asociados, Inc.

Dated: 8/19/02

**Request for Wavier
and
Filing Fee Refund**

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the matter of)	
)	
Mandujano Y Asosiados, Inc.)	OMD Docket No. _____
KPQZ(FM), Amarillo, TX)	
Facility ID No. 39781)	
)	
Request for Waiver and Refund of)	
FCC Filing Fee for Special Temporary)	
Authority)	

To: The Managing Director

REQUEST FOR WAIVER AND FILING FEE REFUND

Mandujano Y Asosiados, Inc. (“MAI”), licensee of FM station KPQZ, Amarillo, TX, by its attorney and pursuant to Section 1.1117 of the Commission’s rules, hereby respectfully requests waiver and refund of the \$135 filing fee in connection with MAI’s request for Special Temporary Authority (“STA”) submitted herewith, based on financial hardship. In accordance with Section 1.1117(c) and (e), this submission is in the form of a separate pleading marked to the attention of the Managing Director, and is accompanied by the requisite \$135 filing fee (FEE CODE MGR) and FCC Form 159.

In support hereof, the following is respectfully shown:

Section 1.1117 of the Commission’s rules provides for waiver of FCC filing fees upon a showing of good cause and a finding that the public interest will be served

thereby. Section 1.1117(c) provides for waiver of filing fees based on financial hardship. Under Commission policy, “[e]vidence of bankruptcy or receivership is sufficient to establish financial hardship,” and the Commission has waived filing fees on that basis.²

In the instant case, a receivership proceeding was instituted against MAI in the Texas state court system on September 26, 2000, and the Court appointed an initial receiver for MAI in March 2001. The current receiver was appointed substitute receiver in April 2001 and continues to control the station at this time, in accordance with Commission consent under FCC File No. BTCH-20010613ADF.³ A copy of the *Order Appointing Substitute Receiver*, Case No. 87,963-D, (320th Judicial District Court In and For Potter County, Texas, issued April 26, 2001) is attached as Exhibit B hereto.

Based on the foregoing, it is respectfully submitted that the receivership status of MAI establishes good cause to waive and refund the filing fee for the subject STA application. It is further submitted that, in accordance with the cited Commission precedent, grant of the requested waiver will serve the public interest by enabling MAI to preserve assets that will accrue to innocent creditors.

WHEREFORE, the premises considered, MAI respectfully requests refund of the

¹ *Memorandum Opinion and Order*, “Implementation of Section 9 of the Communications Act Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year,” 10FCC Rcd 12759 at para. 14 (1995).

² *See e.g., Mobilemedia Corporation*, 14FCC Rcd 8017 at para. 40 (1999) (“[W]aiver of the fee will serve the public interest by enabling Mobilemedia to preserve assets that will accrue to innocent creditors.”)

³ *See* Exhibit A hereto.

\$135 filing fee payment submitted herewith.

Respectfully submitted,

MANDUJANO Y ASOSIADOS, INC.

By: 
Ellen Mandell Edmundson
Its Attorney

Smithwick & Belendiuk, PC
5028 Wisconsin Avenue, N.W.
Washington, D.C. 20016
(202) 363-4050

August 21, 2002

ATTACHMENT A



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)	

CLASS	CALL SIGN	FACILITY ID	FILE#	STATION LOCATION	AUXILIARY STATIONS
FM	KPQZ	39781	BTCH-20010613ADF	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.

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 a.d. 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 B

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.

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 ~~5:00 p.m.~~ ^{noon}, 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, 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

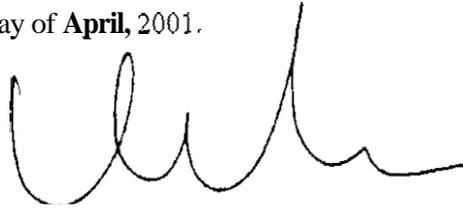
~~CERTIFIED~~
Page 2 of 3
CAROLINE WOODBURN
District Clerk
Potter County, Texas

PAGE 2 OF 3

~~185~~ ^{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 6 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 Helena Kish Deputy



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

By HK, Deputy

FILED
CAROLINE WOODBURN
DISTRICT CLERK

2001 APR 26 A 10:29

POTTER COUNTY TEXAS

BY is DEPUTY



ROGER S. COX, RECEIVER
FOR MANDUJANO Y ASOCIADOS, INC.
320 S. POLK, SUITE 700
AMARILLO, TX 79101

3107

88-236/1113

Date August 20 20 02

Pay to the order of FCC

\$135.00

One Hundred Thirty five & no/100

DOLLARS

Security features include Micro Mark

THIS CHECK IS DELIVERED FOR PAYMENT ON THE ACCOUNT(S) LISTED

:	STA fee	:	:
:		:	:
:		:	:

The First National Bank of Amarillo
P.O. Box 15530
Amarillo, Texas 79105



8887-100

⑈003107⑈ ⑆111302367⑆ ⑈49 003 2⑈

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

Re: Request for Filing Fee Waiver
And Refund

Fee Control No. ~~00000000-02-002~~

0209248195274003

Dear Ms. Edmundson:

This letter is in response to your request for waiver and refund of the filing fee for Special Temporary Authority in the amount of \$135 submitted on behalf of Mandujano Y. Asosidos, Inc. (MAI), licensee of FM station KPQZ, Amarillo, Texas.

You recite that KPQZ was off the air ~~from~~ August 29, 2001 until August 4, 2002 and has since resumed full-time operation. Because of transmitter damage, however, you state that MAI is seeking Special Temporary Authority to continue operating KPQZ with reduced power pursuant to 47 C.F.R. § 73.1635. You add that the station is currently under the control of a court-appointed receiver, *see Order Appointing Substitute Receiver*, No. 87,963-D (320th Judicial District Court In and For Potter County, Texas, April 26, 2001), and that MAI's receivership status provides good cause for waiver of the filing fee.

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Sincerely,

Mark A. Reger
Chief Financial Officer