

CLAUDETTE PRIDE, CHIEF R&ROG

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

JAN 09 2004

OFFICE OF  
MANAGING DIRECTOR

Mr. J. Geoffrey Bentley  
Post Office Box 710207  
Herndon, Virginia 20171

Re: Request for waiver of Fiscal Year (FY) 2003  
Regulatory Fees  
Control No. 00000RROG-04-015

Dear Mr. Bentley:

This letter responds to your request dated September 23, 2003 for deferment and waiver of FY 2003 regulatory fees filed on behalf of Ortiz Broadcasting Corporation (OBC), licensee of television broadcast station KTRG, Channel 10, Del Rio, Texas and five low power television stations, including K52EA, San Antonio, Texas; KFTN-LP, LaFeria, Texas; KLIA-LP, McAllen, Texas; KSFE-LP, McAllen, Texas, and KTIZ-LP, Harlington, Texas.

In your petition, you state that on June 3, 2002 OBC filed a petition for protection, under Chapter 11 of the United States Bankruptcy Code, in the United States Bankruptcy Court for the Southern District of Texas, Corpus Christi Division. You provide a copy of OBC's bankruptcy petition and a copy of a letter from Mark A. Reger, the FCC's Chief Financial Office, dated November 7, 2002, granting a waiver of OBC's FY 2002 regulatory fees because of OBC's bankruptcy.

As indicated in our previous letter, the Commission will grant waivers of its regulatory fees on a sufficient showing of financial hardship, and evidence of bankruptcy or receivership is sufficient to establish financial hardship. *See Implementation of Section 9 of the Communications Act*, 10 FCC Rcd, 12,759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). You have submitted information showing that OBC has been the subject of Chapter 11 bankruptcy proceedings since June 3, 2002. Therefore, your request for waiver of the FY 2003 regulatory fees for OBC in the total amount of \$31,950.00, including \$30,125.00 for KTRG and \$365.00 for each of the low powered television stations, is granted.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer

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SEP 24 2003  
FCC - MAILROOM

BENTLEY LAW OFFICE

P.O. Box 710207 • Herndon, Virginia 20171  
(703)793-5207 • (703)793-4978(facsimile)  
e-mail: jgblaw@erols.com

J. Geoffrey Bentley  
Attorney and Counselor at Law

Messenger and Overnight Delivery to:  
2700 Copper Creek Road  
Herndon, VA 20171

September 23, 2003

SEP 23 2003  
FCC - MAILROOM

BY HAND

Andrew S. Fishel  
Managing Director  
Federal Communications Commission  
The Portals  
445 12<sup>th</sup> Street, S.W., Room 1-C152  
Washington, D.C. 20554

Attention: Mark Reger, Chief Financial Officer

Re: KTRG(TV), Channel 10, Del Rio, TX (Facility ID No. 55762); K52EA, San Antonio, TX (Facility ID No. 2555); KFTN-LP, LaFeria, TX (Facility ID No. 40058); KLI-LP, McAllen, TX (Facility ID No. 28280); KSFE-LP, McAllen, TX (Facility ID No. 49038); KTIZ-LP, Harlingen, TX (Facility ID No. 657)

Dear Mr. Fishel:

This letter request is submitted on behalf of Ortiz Broadcasting Corp. ("OBC"), licensee of television broadcast station KTRG, Channel 10, Del Rio, Texas, and five low power television stations, including K52EA, San Antonio, Texas; KFTN-LP, LaFeria, Texas; KLI-LP, McAllen, Texas; KSFE-LP, McAllen, Texas, and KTIZ-LP, Harlingen, Texas.

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## BENTLEY LAW OFFICE

Andrew S. Fishel  
September 23, 2003  
Page 2

In this letter, OBC seeks: (1) deferment of annual regulatory fees for all six stations for FY 2003, without penalty, pending resolution of this request; (2) a waiver of annual regulatory fees for FY 2003, based on financial hardship.

In support of this request, the following is shown:

Aracelis Ortiz, OBC's sole shareholder, serves as Chairman of the corporation's Board of Directors and members of her immediate family serve as officers and directors. Neither Mrs. Ortiz nor any of the other family members receives any compensation or other disbursement from the corporation. The stations broadcast exclusively viewer-supported religious programming. From mid-November 2001 until approximately May 31, 2002, OBC operated WKOB-LP, New York City, New York, under a Local Marketing Agreement. At that time, revenue from the operation of WKOB-LP provided the overwhelming majority (nearly 74%) of the corporation's income. When that LMA was terminated, that revenue stream stopped.

On June 3, 2002, OBC filed a petition for protection, under Chapter 11 of the United States Bankruptcy Code, in the United States Bankruptcy Court for the Southern District of Texas, Corpus Christi Division (Case No. 02-21146). See Attachment A hereto. OBC continues to operate as Debtor-in-Possession under the protection of the Bankruptcy Court pending approval of a plan of reorganization.

The total amount of the annual regulatory fees due for the six OBC stations for FY 2003 is \$31,950, including \$30,125 for KTRG and \$365 for each of the five low power television stations.

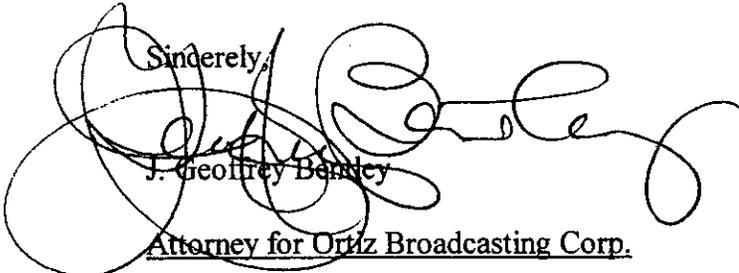
In its *Order, Implementation of Section 9 of the Communications Act*, 10 FCC Rcd 12759 (1995) ("*Implementation Order*"), the FCC stated (10 FCC Rcd at 12762) that evidence of bankruptcy or receivership would be sufficient for purposes of securing a waiver of annual regulatory fees. Accordingly, OBC should be granted a waiver of all annual regulatory fees for FY 2003, on the ground of hardship.

Previously, based on a similar showing, the OMD, by letter dated November 7, 2002, granted OBC a waiver of annual regulatory fees for the six stations for FY 2002. A copy of that letter is attached for convenient reference. (Attachment B).

**BENTLEY LAW OFFICE**

Andrew S. Fishel  
September 23, 2003  
Page 3

Any questions concerning this waiver request, and copies of all correspondence, should be directed to me.

Sincerely,  
  
J. Geoffrey Bentley  
Attorney for Ortiz Broadcasting Corp.

Attachments

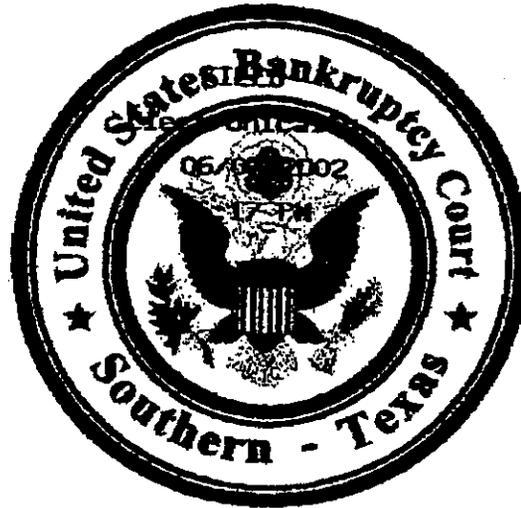
ATTACHMENT A

United States Bankruptcy Court  
Southern District of Texas

**Notice of Bankruptcy Case Filing**

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 11 of the United States Bankruptcy Code, entered on 06/03/2002 at 6:17 PM and filed on 06/03/2002.

**ORTIZ BROADCASTING CORPORATION**  
PO Box 530391  
Harlingen, TX 78552  
Tax id: 74-2836280



The case was filed by the debtor's attorney:

**Viviana S Cavada**  
Attorney at Law  
4646 Corona Ste 250  
Corpus Christi, TX 78411  
361-814-6500

The case was assigned case number 02-21146 to Judge Richard S. Schmidt.

The filing of a bankruptcy case automatically stays certain actions against the debtor and the debtor's property. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page <http://www.txs.uscourts.gov/> or at the Clerk's Office 515 Rusk Avenue, Houston, TX 77002.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

**Michael N. Milby**  
Clerk, U.S.  
Bankruptcy Court

**PACER Service Center**

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

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Attachment B

OFFICE OF  
MANAGING DIRECTOR

J. Geoffrey Bentley  
Bentley Law Office  
Post Office Box 710207  
Herndon, Virginia 20171

RE: Request for Waiver of 2002  
Regulatory Fees  
Fee Control No. 00000RROG-02-092

Dear Mr. Bentley:

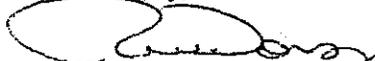
This is in response to the request for waiver of Fiscal Year (FY) 2002 regulatory fees, filed on behalf of Ortiz Broadcasting Corp. (Ortiz). In your petition, you state that on June 3, 2002, Ortiz filed a voluntary petition for reorganization pursuant to the provisions of Chapter 11 of the U.S. Bankruptcy Code in the United States Bankruptcy Court for the Southern District of Texas.

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 Communication Act, 10 FCC Rcd ¶12759, 12761-62 (1995) (waivers granted for licensees whose stations are bankrupt, undergoing Chapter 11 reorganization, or in receivership). You have submitted information showing that Ortiz has been the subject of Chapter 11 bankruptcy proceedings since July 16, 2002. Therefore, your request for waiver of the FY 2002 regulatory fees of \$25,225 for Ortiz is granted, and we do not need to reach the issue of whether Ortiz's station, KTRG, should be assessed a regulatory fee as though it were a VHF television station located outside the 100 largest markets.

You have also requested confidential treatment of the commercial and financial information that you have submitted with your petition. Pursuant to Section 0.459(d)(1) of the Commission's rules, 47 C.F.R. 0.459(d)(1), we do not routinely rule on requests for confidential treatment until we receive a request for access to the records. The records are treated confidentially in the meantime. If a request for access to information submitted in conjunction with your petition is received, you will be notified and afforded the opportunity to respond at that time.

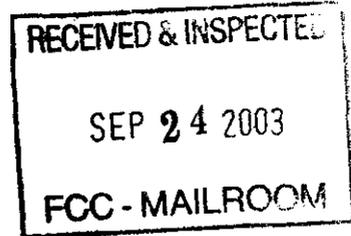
If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mr. Mark A. Reger  
Chief Financial Officer

# BENTLEY LAW OFFICE



P.O. Box 710207 • Herndon, Virginia 20171  
(703)793-5207 • (703)793-4978(facsimile)  
e-mail: jgblaw@erols.com

J. Geoffrey Bentley  
Attorney and Counselor at Law

Messenger and Overnight Delivery to:  
2700 Copper Creek Road  
Herndon, VA 20171

September 23, 2003

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ASSOC. MGRS. DIV.

**BENTLEY LAW OFFICE**

Andrew S. Fishel  
September 23, 2003  
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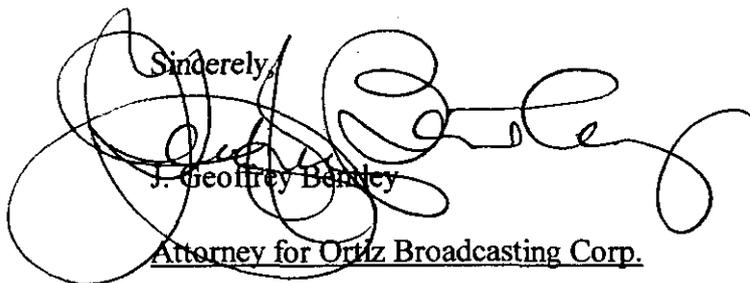
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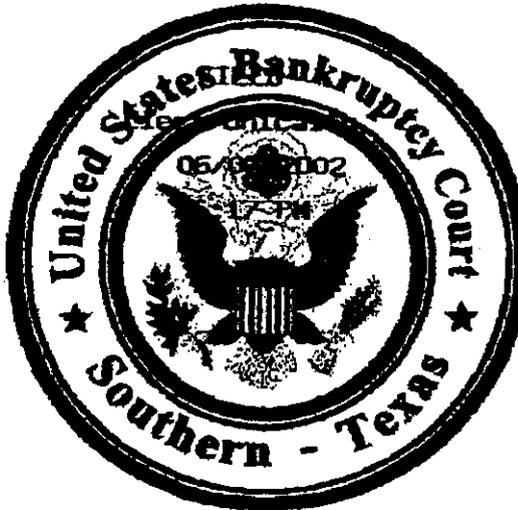
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You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

**Michael N. Milby**  
Clerk, U.S.  
Bankruptcy Court

**PACER Service Center**

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

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Attachment B

OFFICE OF  
MANAGING DIRECTOR

J. Geoffrey Bentley  
Bentley Law Office  
Post Office Box 710207  
Herndon, Virginia 20171

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Fee Control No. 00000RROG-02-092

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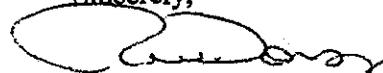
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