

USA 13xH 25

Nicole Sawaya

Docket No. 04-191 Exhibit No. 56

Presented by ETS

From: Nicole Sawaya [nsawaya@poet.sfusd.edu]
esanche1@ix.netcom.com
Cc: whelges@muse.sfusd.k12.ca.us
Subject: Re: KALW Renewal--The Court of Appeals Option

Disposition { Identified 5/16/05
Received 5/16/05
Rejected
Reporter S. Stedick
Date 5/16/05

<html>
Ernie:

I am quite hesitant to go to the Court of Appeals. We do not have the budget to do such an action. Period. I'm really frustrated by all of this Ernie. Please let me know exactly your work plan in the next month with regard to KALW. Who will you be calling? How often? What other avenues can you use to try to get a decision? When will our license come up for renewal? Please include Bill when you send the work plan. I will be placing a call to Adelstein's office who I recently saw again. He now knows the station as the 'School Lunch Menu public radio station in SF.' Why is it so 'outrageous' as you say, that they'll wait until the renewal? I don't understand. Please explain what dangers we face if that is the scenario. Currently, I have no boss, no admin support, zero support from the licensee or the Superintendent, our tiny staff is swamped and I'm beginning to not care, as it appears that no one else does except Bill. Frankly, Ernie, I'm dismayed that we didn't get a more 'bull dog' attitude a long time ago. Thanks, Nicole At 11:40 PM 11/25/03 -0700, Ernest Sanchez wrote: Nicole, I think it is time for us to ask the U.S. Court of Appeals to require the FCC to issue a decision on the KALW renewal. If we cannot get Congressional help to pin down the status of the renewal or an FCC commitment to issue the decision by a certain date, there is no other choice, if we can no longer wait. If we were to file what is called a 'mandamus action', the FCC would almost certainly issue a renewal decision rather than try to defend its endless inaction. The FCC delay thus far is of course legally indefensible. The danger of going to court is that the FCC staff might try to punish us for publicly embarrassing them. Such punishment might be in the form of a larger fine than might otherwise be potentially imposed, assuming the FCC finds fault with your public file. I am currently handling two public radio cases at the Court of Appeals, including the appeal of the proposed FCC rules for choosing between competing noncommercial applicants for contested channels. I have an intimate working knowledge of the Court and would be happy to discuss the process in detail with you. With your next renewal application already on the horizon, it is beginning to seem as though the staff no longer intends to issue a decision before we file the new renewal application. This paranoid(?) scenario would have the FCC waiting for the new renewal application to be filed so that they could deal with both of them at once. I also consider that FCC approach to be legally indefensible, but at this point I guess we can no longer rule out such an outrageous possibility. If we can no longer wait for the indefinite FCC process to conclude, the Court of Appeals is likely the best route. The FCC has a great talent for ignoring common sense and reality but the FCC is never able to ignore the Court of Appeals. Let's talk at your convenience. Best regards, Ernie

--

THE SANCHEZ LAW FIRM, 2300 M STREET N.W., SUITE 800, WASHINGTON, D.C. 20037; PHONE: 202-237-2814; FAX: 202-237-5614; PLEASE NOTE MY TEMPORARY NEW E-MAIL ADDRESS: esanche1@ix.netcom.com
Nicole Sawaya wrote: Hi Ernie: The holidays are about to descend upon us and the FCC. Per your information, the FCC will go silent from Thanksgiving through the New Year. At which point it will be 2004 -- six, seven years since the license challenge. This is really unfair to the station and the SFUSD. What can we do other than letters from politicians? Would you please push for a resolution? Thanks, Ernie, hope all is well. Nicole

SANCHEZ LAW FIRM, 2300 M STREET N.W., SUITE 800, WASHINGTON, D.C. 20037; PHONE: 202-237-2814; FAX: 202-237-5614; PLEASE NOTE MY TEMPORARY NEW E-MAIL ADDRESS: esanche1@ix.netcom.com