

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

FILED/ACCEPTED

JUN 20 2011

Federal Communications Commission  
Office of the Secretary

In the Matter of )  
  
EDDIE FLOYD )  
  
Licensee of FM Translator Station K273AF, )  
Carson, City, Nevada )  
  
EDDIE FLOYD )  
  
and )  
  
WILKS LICENSE COMPANY-RENO LLC )  
  
For Assignment of License of FM Translator )  
Station K273AF, Carson City, NV )  
  
EDDIE FLOYD )  
  
For Modification of License of FM Translator )  
Station K273AF, Carson City, NV )

) MM Docket No. 10-157  
)  
) NAL/Acct. No. 201041410018  
)  
) FRN: 0011733425  
) Facility ID No. 13529  
)  
)  
)  
)  
) File No. BALFT-20070904ACU  
)  
)  
)  
)  
) File No. BMLFT-20071218ABH  
)  
)  
)

RECEIVED - FCC  
JUN 20 2011  
Federal Communications Commission  
Bureau/Office

To: Chief Administrative Law Judge  
Richard L. Sippel

MOTION TO TERMINATE PROCEEDING

Eddie Floyd (“Floyd”) and Wilks License Company-Reno LLC (“Wilks”), by their  
respective attorneys, hereby jointly move to terminate this proceeding in its entirety without  
further action.

1. On August 5, 2010, the Commission issued its “Order to Show Cause Hearing  
Designation Order and Notice of Apparent Liability for a Forfeiture” with respect to Floyd and

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List A B C D E

the Station.<sup>1</sup> The Commission designated for hearing “the questions of whether *Floyd* had misrepresented material facts to the Commission, whether *Floyd’s* felony convictions should preclude him from remaining a Commission licensee, and whether the license for the Station should be revoked.” (Emphasis added)<sup>2</sup> The *HDO* also asked whether grant of the Floyd/Wilks Assignment Application, and an associated application for modification of facilities for the Station,<sup>3</sup> would serve the public interest.

2. Floyd was the debtor in an involuntary bankruptcy proceeding under Chapter 7 of the United States Code in United States Bankruptcy Court, District of Nevada.<sup>4</sup> Floyd informed the presiding Chief Administrative Law Judge (the “Chief ALJ”) that he was seeking approval from the Bankruptcy Court to sell the Station for the benefit of creditors, and that he would seek approval for consent to assignment of the Station’s license under the Commission’s *Second Thursday* policy.<sup>5</sup> The Chief ALJ stayed this proceeding pending a review by the Commission of an application to assign the Station’s license for the benefit of creditors and a review of Floyd’s eligibility for *Second Thursday* consideration.<sup>6</sup>

3. On March 3, 2011, Floyd submitted an application for consent to assignment of the Station’s license to The Evans Broadcast Company, Inc. (“Evans”).<sup>7</sup> On the same date, Floyd submitted a Petition for Extraordinary Relief requesting approval of the Evans Assignment

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<sup>1</sup> See *Floyd*, Order to Show Cause Hearing Designation Order and Notice of Apparent Liability for a Forfeiture, 25 FCC Rcd 11348 (2010) (the “*HDO*”).

<sup>2</sup> *Floyd*, Memorandum Opinion and Order, DA 11-701, at 2 (April 18, 2011) (the “*Floyd MO&O*”).

<sup>3</sup> See File No. BMLFT-20071218ABH (the “*Floyd Modification Application*”).

<sup>4</sup> See *Floyd Petition for Extraordinary Relief*, at 3 (March 3, 2011), citing United States Bankruptcy Court, District of Nevada (BK-09-52653).

<sup>5</sup> See *Second Thursday Corp.*, Memorandum Opinion and Order, 22 FCC 2d 515 (1970), recon. granted, 25 FCC 2d 112 (1970) (“*Second Thursday*”).

<sup>6</sup> *Floyd*, Order, FCC 10M-21 (December 3, 2010).

<sup>7</sup> See File No. BALFT-20110303AAJ (the “*Floyd/Evans Assignment Application*”).

Application pursuant to the *Second Thursday* policy. Floyd also submitted an application for minor modification of the Station's technical facility.<sup>8</sup>

4. On April 4, Floyd, in response to a request from the Media Bureau, requested the dismissal of both the Floyd/Wilks Assignment Application and the Floyd Modification Application. See Attachment A. Those applications were dismissed by the Commission on the same day. See Attachment B. Those dismissals are now final.

5. On April 18, 2011, the Chief, Audio Division, Media Bureau, issued its *Floyd MO&O*, which granted Floyd relief under *Second Thursday*, and granted the Floyd/Evans Assignment Application. That action is now final.

6. On June 14, 2011, Floyd filed a Notice of Consummation evidencing that the assignment of the Station license from Floyd to Evans was consummated as of that date. See Attachment C.

7. Under the circumstances, the instant proceeding should be terminated in its entirety without further action. None of the captioned applications are before the Commission, all having been dismissed by Commission action, which actions are now final. The Station's license is no longer held by Floyd, having been assigned to Evans pursuant to Commission consent.<sup>9</sup>

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<sup>8</sup> See File No. BPFT-20110303AAK (the "Evans Modification Application").

<sup>9</sup> *Id.*

For the reasons set forth herein, this proceeding should be terminated in its entirety  
without further action.

Respectfully submitted,

By: Aaron Shainis by CMT  
Aaron Shainis, Esq.  
*Counsel for Eddie Floyd*

Shainis & Peltzman, Chartered  
1850 M Street, NW  
Suite 240  
Washington, DC 20036  
(202) 293-0011

By: Clifford M. Harrington  
Clifford M. Harrington, Esq.  
Richard R. Zaragoza, Esq.  
Paul A. Cicelski, Esq.  
*Counsel for Wilks License Company-Reno LLC*

Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, NW  
Washington, DC 20037  
(202) 663-8000

Dated: June 20, 2011

**ATTACHMENT A**

# Shainis & Heltzman, Chartered

Counselors at Law

Aaron P. Shainis  
aaron@s-plaw.com

Lee J. Heltzman  
lee@s-plaw.com

Suite 240  
1850 M Street, N.W.  
Washington, D.C. 20036

(202) 293-0011  
Fax (202) 293-0810  
e-mail: shainis@heltzman@s-plaw.com

April 4, 2011

Special Counsel  
Stephen C. Tischer  
steve@s-plaw.com

Of Counsel  
William H. DuRoss, III  
bill@s-plaw.com  
Robert J. Keller  
bob@s-plaw.com

## VIA HAND DELIVERY

Marlene Dortch, Esq.  
Secretary  
Federal Communications Commission  
Portals II – 12<sup>th</sup> Street Lobby  
Filing Counter – TW – A325  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554  
Attention: Taft Snowden

Re: K273AF  
Facility ID No. 13529  
BALFT-20070904ACU

Dear Mr. Snowden:

I am writing this as a follow-up to our phone conversation of last week. At your request, please dismiss the above-referenced assignment application, as it has been superseded by BALFT-20110303AAJ. Similarly, in light of the grant of BPFT-20110303AAK, BMLFT-20071218ABH should also be dismissed. If you have any questions with respect to this matter, please communicate with the undersigned.

Sincerely yours,

  
Aaron P. Shainis

cc: Taft Snowden  
Dick Zaragoza  
Cliff Harrington  
Paul Cicelski

**ATTACHMENT B**



# PUBLIC NOTICE

Federal Communications Commission  
445 Twelfth Street SW  
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 47460

## Broadcast Actions

4/7/2011

STATE FILE NUMBER

E/P CALL LETTERS

APPLICANT AND LOCATION

NATURE OF APPLICATION

Actions of: 04/04/2011

### FM STATION APPLICATIONS FOR MINOR CHANGE TO A LICENSED FACILITY DISMISSED

|    |                  |             |                      |  |
|----|------------------|-------------|----------------------|--|
| WA | BPED-20110214AAD | KCFL 176823 | NORTHWEST INDY RADIO | Minor change in licensed facilities.<br>Engineering Amendment filed 03/14/2011<br>Dismissed 4/4/2011 |
|    | E                | 89.5 MHZ    | WA , ELMA            |  |

### FM TRANSLATOR APPLICATIONS FOR ASSIGNMENT OF LICENSE DISMISSED

|    |                   |              |                  |  |
|----|-------------------|--------------|------------------|--|
| NV | BALFT-20070904ACU | K273AF 13529 | EDDIE FLOYD      | Voluntary Assignment of License, as amended<br>From: EDDIE FLOYD<br>To: WILKS LICENSE COMPANY-RENO LLC<br>Form 345 |
|    | E                 | 102.5 MHZ    | NV , CARSON CITY |  |

Objection filed 11-9-2007 for License Transferral

Application designated for evidentiary hearing per FCC 10147 on 08/05/2010.

Application dismissed at the request of the Licensee on 04/04/2011.

### FM TRANSLATOR APPLICATIONS FOR MODIFICATION OF LICENSE DISMISSED

|    |                   |              |                  |   |
|----|-------------------|--------------|------------------|---|
| NV | BMLFT-20071218ABH | K273AF 13529 | EDDIE FLOYD      | License to modify.<br>Dismissed 4/4/2011 per applicant's request - no letter sent |
|    | E                 | 102.5 MHZ    | NV , CARSON CITY |   |

**ATTACHMENT C**

## **Federal Communications Commission**

**FCC MB - CDBS Electronic Filing  
Account number: 292536**

**Description: CONSUMMATION OF K273AF TO EVANS**

**Successfully filed at Jun 14 2011 10:13AM**

**Based on the information supplied, no fee is required.**

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|   |   |                                     |
|---|---|-------------------------------------|
| Federal Communications Commission<br>Washington, D.C. 20554 | Approved by OMB<br>3060-0031 (September 2004) | FOR FCC USE ONLY                    |
| <b>Consummation Notice</b>                                  |   | FOR COMMISSION USE ONLY<br>FILE NO. |
| Read Instructions/FAQ before filling out form               |   |                                     |

**Section I - General Information**

| 1.                | Legal Name of the Applicant<br>EDDIE FLOYD  |   |  |             |             |           |                     |                   |       |        |                          |
|-------------------|---|---|--|-------------|-------------|-----------|---------------------|-------------------|-------|--------|--------------------------|
|                   | Mailing Address<br>665 SOUTH WELLS AVENUE   |   |  |             |             |           |                     |                   |       |        |                          |
|                   | City<br>RENO  | State or Country (if foreign address)<br>NV | Zip Code<br>89502 -                                      |             |             |           |                     |                   |       |        |                          |
|                   | Telephone Number (include area code)<br>7753844444  |   | E-Mail Address (if available)                            |             |             |           |                     |                   |       |        |                          |
|                   | FCC Registration Number:<br>0011733425  | Call Sign<br>K273AF                         | Facility ID Number<br>13529                              |             |             |           |                     |                   |       |        |                          |
| 2.                | Contact Representative (if other than licensee/permittee)<br>AARON P. SHAINIS, ESQ.   |   | Firm or Company Name<br>SHAINIS & PELTZMAN,<br>CHARTERED |             |             |           |                     |                   |       |        |                          |
|                   | Mailing Address<br>1850 M STREET, NW<br>SUITE 240   |   |  |             |             |           |                     |                   |       |        |                          |
|                   | City<br>WASHINGTON  | State or Country (if foreign address)<br>DC | ZIP Code<br>20036 -                                      |             |             |           |                     |                   |       |        |                          |
|                   | Telephone Number (include area code)<br>2022930011  |   | E-Mail Address (if available)<br>AARON@S-PLAW.COM        |             |             |           |                     |                   |       |        |                          |
| 3.                | Purpose:  |   |  |             |             |           |                     |                   |       |        |                          |
|                   | <input checked="" type="radio"/> Consummation Notice  |   |  |             |             |           |                     |                   |       |        |                          |
|                   | <input type="radio"/> Extension of Consummation   |   |  |             |             |           |                     |                   |       |        |                          |
|                   | <input type="radio"/> Notification of Non-consummation  |   |  |             |             |           |                     |                   |       |        |                          |
| 4.                | Consummation for:   |   |  |             |             |           |                     |                   |       |        |                          |
|                   | <input checked="" type="radio"/> Assignment of License and/or Permit  |   |  |             |             |           |                     |                   |       |        |                          |
|                   | <input type="radio"/> Transfer of Control   |   |  |             |             |           |                     |                   |       |        |                          |
| 5.                | Lead Station File Number: BALFT - 20110303AAJ   |   | Lead Facility ID: 13529                                  |             |             |           |                     |                   |       |        |                          |
| 6.                | <table border="1"> <thead> <tr> <th>File Number</th> <th>Facility ID</th> <th>Call Sign</th> <th>Will not Consummate</th> </tr> </thead> <tbody> <tr> <td>BALFT-20110303AAJ</td> <td>13529</td> <td>K273AF</td> <td><input type="checkbox"/></td> </tr> </tbody> </table> |   |  | File Number | Facility ID | Call Sign | Will not Consummate | BALFT-20110303AAJ | 13529 | K273AF | <input type="checkbox"/> |
| File Number       | Facility ID   | Call Sign                                   | Will not Consummate                                      |             |             |           |                     |                   |       |        |                          |
| BALFT-20110303AAJ | 13529   | K273AF                                      | <input type="checkbox"/>                                 |             |             |           |                     |                   |       |        |                          |

|    |  |
|----|--|
| 7. | Date of consummation: 6/14/2011        |
| 8. | FRN of Assignee/Transferee: 0010456283 |

I hereby certify that the referenced assignment of license/transfer of control was consummated within the required time period, on the date indicated in #7 above.

|  |   |
|--|---|
| Typed or Printed Name of Person Signing<br>EDDIE FLOYD | Typed or Printed Title of Person Signing<br>OWNER |
| Signature  | Date<br>6/14/2011                                 |

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

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**Exhibits**

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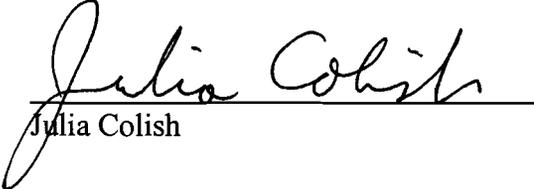
**CERTIFICATE OF SERVICE**

I, Julia Colish, a secretary with the law firm of Pillsbury Winthrop Shaw Pittman LLP, hereby certify that copies of the foregoing "*Motion To Terminate Proceeding*" were served on this 20<sup>th</sup> day of June, 2011, to the following:

The Honorable Richard L. Sippel\*  
Chief Administrative Law Judge  
Federal Communications Commission  
445 12<sup>th</sup> Street SW, Room 1-C768  
Washington, DC 20554

Dana E. Leavitt, Esq.\*  
Gary Schonman, Esq.\*  
Enforcement Bureau  
Federal Communications Commission  
445 12th Street, S.W., Room 4-C330  
Washington, D.C. 20554

Mary Gosse\*  
Office of Administrative Law Judges  
Federal Communications Commission  
445 12<sup>th</sup> Street SW, Room 1-C831  
Washington, DC 20554

  
\_\_\_\_\_  
Julia Colish

\*Via hand delivery and electronic mail