

Enforcement Bureau, Investigations and Hearings Division, (202) 418-1420; Thomas Nessinger, Attorney-Advisor, Media Bureau, Audio Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order, FCC 03-158, released July 16, 2003.

In the Order to Show Cause, the Commission set forth facts supporting the conclusion that the construction permits of broadcast stations KNGS(FM), Coalinga, California, KAAX(FM), Avenal, California, KAJP(FM), Firebaugh, California, and KZPE(FM), Ford City, California, and the license of broadcast station KZPO(FM), Lindsay, California, should be revoked, and offered the permittees/licensees of those broadcast stations the opportunity for hearing on the issues specified. In the Hearing Designation Order, the Commission determined there was a substantial and material question of fact as to whether the application of Western Pacific Broadcasting, Inc. ("WPBI") for renewal of the license of broadcast station KKFO(AM), Coalinga, California, should be denied, and designated for hearing the KKFO(AM) application for renewal of license.

Station KNGS(FM), Coalinga, California (permitted to William L. Zawila ["Zawila"]) and station KAAX(FM), Avenal, California (permitted to Avenal Educational Services, Inc.) were to have constructed a 91-meter tower near Avenal, California, on which the antennas for both stations were to be located. Both applicants filed license applications representing that both stations had been constructed as authorized. An informal objector presented evidence, confirmed by Commission investigation, that one month after the license applications were filed, the actual transmitting facilities consisted of two 50-foot telephone poles with no main studio facilities. Upon inquiry, Zawila represented that the 91-meter tower had been constructed but was destroyed by vandalism. Commission investigation indicated that Zawila's representations were false, and that the facilities of KNGS(FM) and KAAX(FM) were not constructed according to the permits.

Commission investigation of station KAJP(FM), Firebaugh, California (permitted to Central Valley Educational Services, Inc., of which Zawila is an officer) yielded substantial and material questions of fact as to whether the original antenna was constructed

according to the station's construction permit. Investigation also revealed no program origination or Emergency Alert System ("EAS") equipment at the KAJP(FM) studio. The facilities of station KZPE(FM), Ford City, California (permitted to H.L. Charles d/b/a Ford City Broadcasting) were non-operational, consisting of an antenna mounted on a telephone pole, no main studio facilities, non-operational transmission equipment, and a site that had no power and which was so remote that gasoline to operate a power generator could not be delivered. H.L. Charles, the permittee, referred all questions regarding the station's operation to her "manager," Zawila. Station KZPO(FM), Lindsay, California, is licensed to Linda Ware d/b/a Lindsay Broadcasting. In response to the Commission's pre-hearing inquiry, Zawila represented that Ms. Ware was deceased, but did not provide a date of death, and no application for transfer of control to the administrator of Ms. Ware's estate has been filed. Commission investigators found KZPO(FM)'s main studio is not located as indicated in its license, and that the main studio is not properly staffed. Investigators also determined that KZPO(FM)'s public file is incomplete, that there was no EAS equipment at the transmitter site or main studio, and that transmitter power output was in excess of that authorized.

In the Hearing Designation Order, the Commission set forth facts raising a substantial and material question of fact as to whether Zawila, as sole shareholder of WPBI, misrepresented facts to and/or lacked candor with the Commission by, among other things, representing that KKFO(AM) had lost its site due to redevelopment by the City of Coalinga, and representing that he was in negotiations with the City for return to the site, when in fact City officials denied such representations. The Commission also determined through investigation that WPBI failed to maintain properly staffed main studios for KKFO(AM); failed to maintain station logs or to make station logs and station facilities available for inspection by Commission representatives; failed to provide records and information to Commission representatives on request; failed timely to notify the Commission that KKFO(AM) was not adhering to a minimum operating schedule or failed to make an informal written request for additional time to restore a minimum operating schedule; failed to maintain a complete public file at the main studio of KKFO(AM) or at an accessible place in the community of license; failed to

make equipment performance measurements upon installation of a new or replacement main transmitter and annually thereafter; failed to maintain and operate KKFO(AM) in a manner that complies with the technical rules set forth in Commission rules and in accordance with the KKFO(AM) station authorization; and failed to transmit broadcast signals for a period of over twelve consecutive months, causing the expiration of the KKFO(AM) license as a matter of law. Pursuant to sections 312(a) and 312(c) of the Communications Act of 1934, as amended, 47 U.S.C. 312(a) and (c), and 47 CFR 1.91(a), William L. Zawila, Avenal Educational Services, Inc. ("AES"), Central Valley Educational Services, Inc. ("CVES"), and H.L. Charles d/b/a Ford City Broadcasting ("FCB") are directed to show cause why the construction permits for KNGS(FM), Coalinga, California; KAAX(FM), Avenal, California; KAJP(FM), Firebaugh, California; and KZPE(FM), Ford City, California, should not be revoked and all authority to operate said stations terminated, at a hearing before an F.C.C. Administrative Law Judge, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether William L. Zawila, individually and/or as an officer of AES and CVES, or on behalf of FCB, misrepresented facts to and/or lacked candor with the Commission in his statements regarding the construction and/or operation of the facilities of KNGS(FM), KAAX(FM), KAJP(FM), and KZPE(FM), and in his statements in response to official Commission inquiries regarding the operation of said stations, in violation of section 312(a)(1) of the Communications Act of 1934, as amended, 47 U.S.C. 312(a)(1), and/or 47 CFR 73.1015;

2. To determine whether William L. Zawila, individually and/or as an officer of AES and CVES, or on behalf of FCB, willfully or repeatedly violated 47 CFR 73.1690(b)(2) by moving the antennas of KNGS(FM), KAAX(FM), KAJP(FM), or KZPE(FM) to different towers without a construction permit;

3. To determine whether William L. Zawila, AES, CVES and/or FCB willfully or repeatedly violated 47 CFR 73.1125 of the rules, by failing to maintain properly staffed main studios for KNGS(FM), KAAX(FM), KAJP(FM), and KZPE(FM), and by failing to have a local telephone number in the communities of license for KNGS(FM) and KAAX(FM), or toll-free telephone numbers for those stations;

4. To determine whether William L. Zawila, AES, CVES, and/or FCB