


Auction 81

From: J.J. McVeigh [kd4vs@comcast.net]
To: Auction 81
Cc: Hossein Hashemzadeh; Jeffery Frazier
Subject: DA 05-505 and DA 05-506; Applications of Iglesia Jesucristo Es Mi Refugio, Inc.
Attachments:  Iglesia FRN3.pdf(132KB)

Sent: Thu 3/17/2005 1:13 PM

To whom it may concern:

I am communications counsel to Iglesia Jesuchristo Es Mi Refugio, Inc. ("Iglesia").

During the Auction No. 81 filing window, I filed several applications on Iglesia's behalf for construction permits for Low Power Television Stations. Two of those applications remain pending:

BNPTVL-20000804ABE, FCC Facility ID No. 125261, Channel 2, Abilene, Texas; and

BNPTVL-20000804ABG, FCC Facility ID No. 125284, Channel 10, Victoria, Texas

A third application, BNPTTL-20000804ABD, FCC Facility ID No. 125257, Channel 20, Big Bear Lake, California, was dismissed by the FCC staff due to an objection that the Commission received from the Mexican Government. Public notice of the dismissal issued on March 14. The 30-day statutory period for the filing of Petitions for Reconsideration is now running. My client has directed me to file a Petition for Reconsideration with respect to the March 9 dismissal of this application. We intend to amend the technical proposal to reduce ERP to 10 kW. I understand that this will eliminate any need for the Internation Bureau to seek the concurrence of the Mexican government. The Petition for Reconsideration will ask that the Big Bear Lake application, as amended, be reinstated nunc pro tunc, and granted.

The Commission's Public Notices of February 28, 2005, DA 05-505 and DA 05-506, required Iglesia, to maintain the viability of its applications, to provide an FRN for association with these applications. To satisfy this requirement, I hereby provide the following FRN for Iglesia:

0013086228. The attached PDF file provides more particulars.

I am the contact representative for Iglesia associated with that FRN.

The Commission's Public Notice also specified that the three applications were each members of a different MX Group:

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MX017:

Iglesia, BNPTVL-20000804ABE, FCC Facility ID No. 125261, Channel 2, Abilene, Texas;
and
John R. Powley, BNPTVL-20000830BHF, FCC Facility ID No. 130071, Channel 2, Abilene, Texas;

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MX018:

David Sahl, BNPTTL-20000831AHV, FCC Facility ID No. 127416, Channel 20, Barstow, California;
and
Iglesia, BNPTTL-20000804ABD, FCC Facility ID No. 125257, Channel 20, Big Bear Lake, California;
and
Laurie Mintz, BNPTTL-20000807AEP, FCC Facility ID No. 125290, Channel 20, Barstow, California;

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MX019:

Iglesia, BNPTVL-20000804ABE, FCC Facility ID No. 125284, Channel 10, Victoria, Texas;
and
John R. Powley, BNPTVL-20000828BFY, FCC Facility ID No. 130343, Channel 2, Abilene, Texas;

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None of the three Iglesia applications should be considered as part of an MX group, for the following reasons.

1. Abilene and Victoria: On August 23, 2001, Iglesia and Mr. Powley filed a Joint Motion for Approval of Settlement Agreement. Pursuant to the settlement, Iglesia and Mr. Powley asked the FCC:

- to dismiss Iglesia's application for a new LPTV station to serve Abilene, Texas on Channel 2; and
- to dismiss Mr. Powley's application for a new LPTV station to serve Victoria, Texas on Channel 10; and
- to grant Iglesia's application for a new LPTV station to serve Victoria, Texas on Channel 10; and,
- if the FCC deemed an amendment that Mr. Powley intended to file with respect to his Channel 2 Abilene application to perfect his application's grantability, to grant that application.

According to the Commission's CDBS data base, Mr. Powley amended his Abilene application on August 24, 2001, the day after the Settlement Package was filed. The CDBS also contains an entry noting the filing of the Settlement Package.

To my knowledge, the FCC staff has never acted on the Settlement Package. However, if Mr. Powley's Abilene application, as amended, is acceptable for filing, the MX017 and MX019 do not belong in the auction. Rather, they should be dissolved, and Iglesia's Victoria application should be granted, and Mr. Powley's Abilene application should be granted.

2. Big Bear Lake: With respect to Group MX018, this was part of a larger group, M70. One of the applicants (Howard Mintz, Channel 20,

