## Auction 81

 From:
 J.J. McVeigh [kd4vs@comcast.net]

 To:
 Auction 81

 Cc:
 Hossein Hashemzadeh; Jeffery Frazier

 Schieft
 D.A. 05, 5005, and D.A. 05, 5006. Applications of Jalacia I.

Subject: DA 05-505 and DA 05-506; Applications of Iglesia Jesucristo Es Mi Refugio, Inc.

Attachments: <u>Iglesia FRN3.pdf(132KB)</u>

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, by 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;

MX018:

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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; \_\_\_\_\_ 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: \_\_\_\_\_ 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

- 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.

Victoria, Texas on Channel 10: and.

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,

Palm Springs, California) approached me via email in June of 2001, once the settlement window for Auction No. 81 had been announced. Mr. Mintz informed me that he believed that he could work out a settlement whereby three applicants -- himself (Ch. 20, Palm Springs, California), Laurie Mintz (Ch. 20, Barstow, California), and Iglesia (Ch. 20 at Big Bear Lake, California, File No. BNPTTL-20000804ABD) -could get severed from the larger group, and each application granted.

In a reply email, I told Howard Mintz that he needed to run the technical proposal by the technical consultant who had prepared Iglesia's application. Howard and the technical consultant had some direct contacts to which I was not party. In any event, the technical consultant told me that the technical solution looked viable, so I prepared and filed a settlement package by the Auction 81 deadline for such setllements.

From the Public Notice of Feb 28, it appears that there is another applicant for Ch. 20 at Barstow, David Sahl, who was not part of the settlement. This was a new name to me, so I went back to the original large MX group and saw that Mr. Sahl's application was in there. In conversations with Howard Mintz and with Iglesia's technical consultant, I understand that David Sahl's Barstow application is MX with the Barstow application of Laurie Mintz, but that neither the Sahl application nor Laurie Mintz's application is MX with Iglesia. Furthermore, as Iglesia needs to reduce ERP to resolve the Mexican issue, there will even be less of a justification for keeping Iglesia's Big Bear Lake application in MX Group MX018.

Accordingly, I request that the Iglesia applications be treated as "Singletons." I have made a similar request of Messrs. Hossein Hashemzadeh and Jeffrey Frazier of the Media Bureau's Video Division via email. I provided Mr. Hossein with PDF copies of the settlement packages as filed for Abilene/Victoria and Big Bear Lake/Palm Springs/Barstow. Mr. Hashemzadeh sent me a reply email in which he told me that he would look into this matter, but I have not yet received a more definitive response from him.

Finally, please note that the FCC Forms 175 and 346 that Iglesia filed in August of 2000 for Channel 20 at Big Bear Lake specified that Iglesia was seeking a construction permit for an LPTV facility, not a TV Translator. For some reason, the FCC staff appended a TV Translator prefix (BPTTL) to the file number of Iglesia's Big Bear Lake application. The prefix should be corrected to be BPTVL to conform with Iglesia's application as filed.

I trust that this submission satisfies Iglesia's duty to respond adequately to the Commission's Public Notices of February 28, DA 05-505 and DA 05-506. Please confirm your receipt of this message, and please let me know if you have any questions.

Very truly yours,

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John Joseph McVeigh, Attorney at Law 12101 Blue Paper Trail Columbia, Maryland 21044-2787

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<<Iglesia FRN3.pdf>>