

**Before the
Federal Communications Commission
Washington, DC 20554**

**FCC 15M-21
10332**

In the Matter of)	EB Docket No. 03-152
)	
WILLIAM L. ZAWILA)	Facility ID No. 72672
)	
Permittee of FM Station JBGS, Coalinga, California)	
)	
AVENAL EDUCATIONAL SERVICES, INC.)	Facility ID No. 3365
)	
Permittee of FM Station KAAX, Avenal, California)	
)	
CENTRAL VALLEY EDUCATIONAL SERVICES, INC.)	Facility ID No. 9993
)	
Permittee of FM Station KYAF, Firebaugh, California)	
)	
H. L. CHARLES d/b/a FORD CITY BROADCASTING)	Facility ID No. 22030
)	
Permittee of FM Station KZPE, Ford City, California)	
)	
LINDA WARE d/b/a LINDSAY BROADCASTING)	Facility ID No. 37725
)	
Licensee of FM Station KZPO, Lindsay, California)	

ORDER

Issued: June 4, 2015

Released: June 4, 2015

On June 3, 2015, the Presiding Judge held a teleconference at Commission Headquarters in Washington, DC. Participants included Enforcement Bureau counsel, William Zawila, and Michael Couzens, counsel retained by Verne J. White, who claims to be president of Avenal Educational Services, Inc. (“Avenal”) and Central Valley Educational Services, Inc. (“Central Valley”). Matters discussed included the proper procedures for filing, the current status of this

litigation, the relationship of the Media Bureau to this proceeding, and the possible resolution of issues related to Avenal and Central Valley.

As a result of that conference, the Presiding Judge rules as follows.

(1) Mr. Zawila will continue to file his pleadings by mail and will transmit courtesy copies by fax. However, he is again ordered to address all pleadings directly to the Office of the Secretary, with the text “Attention: Chief Judge Sippel” on the pleading following the caption. Pleadings that are not properly submitted to the Office of the Secretary will only be considered at the discretion of the Presiding Judge. Parties filing hard copies are reminded that they must submit six copies, plus the original, to the Office of the Secretary, per their instructions.¹

(2) Mr. Couzens is reminded that the Commission places a high value on timeliness, and that deadlines are binding. Pleadings that are filed late will only be accepted and considered at the discretion of the Presiding Judge. Parties that believe that circumstances justify additional time to submit a pleading must file an appropriate motion for leave to file late.

(3) The indefinite stay put in place on March 5, 2004, is hereby lifted,² and discovery can and should commence forthwith on all issues.

(4) The Presiding Judge is convinced that the Media Bureau may rule on any matters affecting the parties that fall outside the scope of the Hearing Designation Order at its discretion, even if those rulings may moot some or all of the issues designated for hearing. Appropriate issues for Media Bureau consideration include finding whether Avenal and Central Valley were qualified applicants at the time of their initial applications and ruling upon pending assignment applications.

(5) The Presiding Judge acknowledges the Enforcement Bureau’s position that the authorizations held by Avenal and Central Valley are likely to be deleted by the Media Bureau for reasons outside the scope of the Hearing Designation Order, as set forth in the Enforcement Bureau’s May 22, 2015 Motion to Delete Issues.³ Even if the authorizations are deleted, it is the Presiding Judge’s view that the Hearing Designation Order still requires determining whether forfeitures should be issued against Mr. Zawila, Avenal, and/or Central Valley.⁴ As Mr. Couzens recognized during the conference call, efforts to determine control of Avenal and Central Valley will require protracted litigation. Accordingly, the Presiding Judge strongly recommends that counsel meet to consider a consent agreement under Section 1.93 of the Commission’s rules on

¹ See How to File Paper Documents with the FCC, *available at* <https://www.fcc.gov/guides/how-file-paper-documents-fcc>.

² See *Order*, FCC 04M-09 (rel. Mar. 5, 2004).

³ See Enforcement Bureau Motion to Delete Issues at 4-7 ¶¶ 5-8 (filed May 22, 2015).

⁴ *William L. Zawila*, Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order, FCC 03-158, 18 FCC Rcd 14938, 14971 ¶ 118 (July 16, 2003) (“HDO”).

the disposition of the authorizations for KAAX and KYAF and the resolution of any future proceedings regarding forfeitures, and if feasible, the resolution of any other issues.

(6) If the parties are unable to reach a consent agreement by June 15, the Enforcement Bureau will be asked to immediately seek the addition of an issue to this proceeding regarding the ownership and control of Avenal and Central Valley. Though the issue was not originally designated, it is of decisional importance and must be considered by the Presiding Judge.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION⁵

A handwritten signature in black ink, reading "Richard L. Sippel". The signature is written in a cursive style with a large initial "R".

Richard L. Sippel
Chief Administrative Law Judge

⁵ Courtesy copies of this *Order* sent by fax on issuance to Mr. Zawila and by e-mail on issuance to Mr. Couzens, Enforcement Bureau counsel, and the Chief, Media Bureau.