

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

ACCEPTED/FILED

AUG 28 2013

Federal Communications Commission
Office of the Secretary

In re Matter of)	
)	
ENCINO BROADCASTING, LLC)	
)	
DKELG(AM), Manor, Texas)	Facility ID No. 17807
)	
DKOKE(AM), Pflugerville, Texas)	Facility ID No. 54661
)	
DKTXZ(AM), West Lake Hills, Texas)	Facility ID No. 59278
)	

To: The Commission
Attn: Chief, Audio Division
Media Bureau

PETITION FOR RECONSIDERATION

Encino Broadcasting, LLC ("Encino"), licensee of AM Stations DKOKE, Pflugerville, DKELG, Manor and DKTXZ, West Lake Hills, Texas, by its attorney, hereby seeks reconsideration of the action of the Commission's Media Bureau, taken July 30, 2013, terminating the authority for these stations to operate. In support of its position, Encino submits the following:

1. The Commission July 30, 2013 letter correctly summarizes the facts in that Encino failed to timely file its renewal applications for its stations. *See* Attachment A. Receiving no timely filed renewal applications for the stations, the Commission, on July 30, 2013, terminated those stations' authority to operate.
2. Encino seeks reconsideration of the Commission termination of its AM stations' authority to operate. It has filed renewal applications for the three AM stations (BR-

STAMP & RETURN

20130808AII; BR-20130808AIH; BR20130808AIG) and filed for special temporary authority to operate the stations (BSTA-20130812ACB; BSTA-20130812ACC; BSTA-20130812ACF).

3. The failure to file renewal applications on a timely basis was not the result of an intentional act, but, rather, resulted from the continued illness of sole Managing Member and 100% owner of Encino, Jose J. Garcia, Jr. Mr. Garcia has been seriously ill for the past few years. As a life long broadcaster and station owner, Mr. Garcia had been doing his best, in his longtime position as General Manager, to oversee broadcast operations at the Encino stations; however, there have been periods of time when his ill health has resulted in Mr. Garcia's hospitalization or have rendered him bed ridden and unable to function as day-to-day General Manager at the stations. *See* Attachment B for list of Garcia medical ailments. In his poor physical condition, Mr. Garcia has been forced to rely on others who, in this case, failed him and who did not take on the responsibility of preparing or authorizing the preparation of timely renewal applications. Mr. Garcia has been a broadcaster and a station owner for over 30 years and the FCC records will reflect that he has never previously failed to file timely renewal applications for any of his stations during that time period. Given his recent history of poor health, Mr. Garcia and Encino request that the FCC not terminate his stations' authority to operate.

4. Moreover, Encino's AM stations have provided a valued broadcast service throughout the Austin, Texas service area that cannot easily be replaced. Listeners to these stations should not be deprived of program service that they have come to rely upon over the years because of a temporary and unusual deviant action on the part of the licensee.

5. In view of the fact that the licensee's failure to file renewal applications on a timely basis was not intentional but, rather, the result of circumstances beyond its owner's

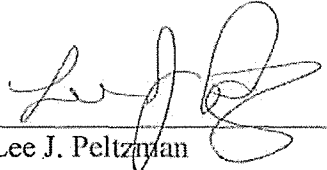
control, and that the licensee has now filed renewals for its stations, Encino respectfully seeks reconsideration of the Commission's termination action, so that Encino's stations may continue to provide that broadcast service to its listeners that they have come to rely on.

In view of the above, Encino requests that the Commission reconsider its July 30, 2013 action terminating the authority to operate AM Stations DKOKE, DKELG and DKTXX and that the Commission grant pending requests for temporary authority so that the stations may serve the public and that the Commission accept and process those stations' renewal applications.

Respectfully submitted,

ENCINO BROADCASTING, LLC

By: _____


Lee J. Peltzman
Its Counsel

Shainis & Peltzman, Chartered
1850 M Street, N.W.
Suite 240
Washington, DC 20054

Date: August 28, 2013

ATTACHMENT A

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, SW
WASHINGTON, DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

JUL 30 2013

ATTORNEY: Victoria M. McCauley
TELEPHONE: (202) 418-2136
FACSIMILE: (202) 418-1410
E-MAIL: Victoria.mccauley@fcc.gov

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Jose J. Garcia, Jr.
Encino Broadcasting, LLC
9434 Parkfield Drive
Austin, TX 78758

KELG(AM), Manor, TX
Facility ID No. 17807

KOKE(AM), Pflugerville, TX
Facility ID No. 54661

KTXZ(AM), West Lake Hills, TX
Facility ID No. 59278

NOTICE OF LICENSE EXPIRATION

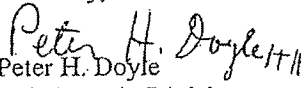
Dear Licensee:

The licenses for the above-referenced stations will expire on August 1, 2013.¹ An application for renewal of each station's license should have been filed by April 1, 2013,² and had not been filed as of the date of this letter. Accordingly, on August 1, 2013, the stations' licenses will expire by their own terms. All authority to operate Stations KELG(AM), KOKE(AM), and KTXZ(AM) will be terminated and the call letters will be deleted from the Commission's database.

Accordingly, all authority to operate Stations KELG(AM), Manor, TX, KOKE(AM), Pflugerville, TX, and KTXZ(AM), West Lake Hills, TX, IS TERMINATED and the call letters ARE DELETED as of August 1, 2013. Any operation of these facilities after that date is unauthorized.

We note that it is imperative to the safety of air navigation that any prescribed painting and illumination of each station's tower be maintained until the tower is dismantled. Therefore, the owner of each tower where the referenced stations' transmitting antennas are located must maintain the tower in the manner prescribed by the Commission's rules and the terms of the expired license.³

Sincerely,


Peter H. Doyle
Chief, Audio Division
Media Bureau

¹ See 47 CFR § 73.1020(a)(11)(i).

² See 47 CFR § 73.3539(a) ("an application for renewal of license shall be filed not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed...").

³ See 47 U.S.C. Section 303(q) and 47 C.F.R. § 17.6.

ATTACHMENT B

Jose J Garcia, Diagnosis and Medications

BOOP/COP Bronchiolitis obliterans organizing pneumonia/cryptogenic organizing pneumonia
Aka Rheumatoid Lung Disease and Interstitial Lung Disease

Rheumatoid Arthritis

Diverticulitis

Diabetes

Secondary Adrenal Insufficiency

Hypertension

Hypotension (Caused by Adrenal Crisis)

Low Testosterone

Osteopenia

Sleep Apnea

Metformin ER 500mg	2x daily	Diabetes
Glipizide 10mg	2x daily	Diabetes
Levemir 25 units/day	1x daily	Diabetes
Novalog	Sliding Scale 3x daily	Diabetes
Ranitidine 150mg	2x daily	Anti-GERD
Fish Oil 1000mg	6/daily	Anti-Cholesterol
Hydrocortisone 30mg	4x daily	Adrenal Insufficiency (30mg/4 Doses)
Fludrocortisone 0.15mg	1x daily	Adrenal Insufficiency
Androgel 1.62	1x daily	Low Testosterone from Adrenal Insufficiency
DHEA 25mg	2x daily	Low DHEA
Vitamin D 10k	1x Weekly	Adrenal Insufficiency
Promethazine 25mg	As Needed	Nausea from Adrenal Insufficiency
Fluoxetine 20mg	1x daily	Anxiety
Tamsulosin 0.4mg	1x daily	Benign Prostatic Hyperplasia
Losartan 100mg	1x daily	Hypertension
Aspirin 81mg	1x daily	For Heart Protection
Alprazolam 0.25mg	As Needed	Anxiety
Butalbital	As Needed	Migraine
Hydrocodone 5/500	As Needed	Pain
Prednisone 10mg	As Needed	Lung/Rheumatoid Arthritis
Symbicort	As Needed	Lung
Albuterol	As Needed	Lung

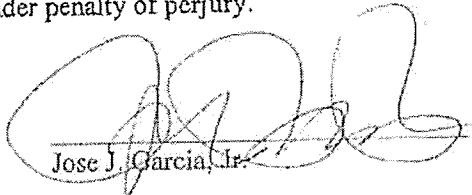
APAP Machine 11/2011 for Sleep Apnea

Dr. Larry Kravitz	Primary Care Physician
Dr. Tina Bunch	Rheumatologist (For BOOP/COP, Rheumatoid Arthritis and Rheumatoid Lung Disease)
Dr. Robert Morrison	Pulmonologist
Dr. Kerem Ozer	Endocrinologist
Dr. Stephen Hardeman	Urologist
Dr. Fotini Chalkias	Cardiologist
Dr. Michael Regan	Gastroenterologist (Currently practices General Surgery)
Dr. Michal Andreo	Orthopedics

DECLARATION OF JOSE J. GARCIA, JR.

My name is Jose J. Garcia, Jr. I am the Manager of Encino Broadcasting, LLC ("Encino"). I have reviewed the Encino Petition for Reconsideration and it is true and correct to the best of my knowledge. This Declaration is made under penalty of perjury.

August 28, 2013


Jose J. Garcia, Jr.

Carlos D. Lopez, Constable
Travis County Constable
Precinct 5
P.O. Box 1748

