



Federal Communications Commission
Washington, D.C. 20554

April 14, 2015

Mike Grega,
Acting Director, Far Eastern Telecasters, Inc.
P.O. Box 310841
Houston, TX 77231

Re: DKVDO-LP, Houston, Texas
Facility ID No. 21183
DKJIB-LP, Clear Lake City, Texas
Facility ID No. 21184

Dear Mr. Grega:

This is with respect to the Petition for Reconsideration (“Petition”) and supplement requests filed by Far Eastern Telecasters, Inc., a Texas nonprofit corporation owned by New Beginnings Fellowship Church of Houston Texas (“New Beginnings”). New Beginnings requests reinstatement of the canceled licenses for former Stations KVDO-LP, Houston, Texas and KJIB-LP, Clear Lake City, Texas (hereinafter the “Stations”). Both stations were licensed to Far Eastern Telecasters, a similarly named, but wholly separate entity from Far Eastern Telecasters, Inc. For the reasons set forth below, we deny the Petition and all supplemental requests. We also dismiss all applications filed by Far Eastern Telecasters, Inc. and/or New Beginnings.

By letter dated June 3, 2014, counsel for Far Eastern Telecasters and its principal, Mr. Roy E. Henderson, surrendered the license for Stations DKVDO-LP and DKJIB-LP. The license cancellation was placed on Public Notice on June 12, 2014.¹ On July 14, 2014, a Petition was filed with the Commission requesting reinstatement of DKVDO-LP, Houston, Texas. The Petition alleges that New Beginnings, which is the owner of Far Eastern Telecasters, Inc., is the licensee of DKVDO-LP. New Beginnings contends that neither Mr. Henderson nor his counsel had the authority to surrender the license of DKVDO-LP.² On August 18, 2014, New Beginnings filed a supplement to its Petition, this time seeking reinstatement of both DKVDO-LP and DKJIB-LP.³ On December 29, 2014, the Commission received a Petition for Special Relief, again requesting reinstatement of the Stations.

Even if we were to overlook the procedural deficiencies related to New Beginning’s filings,⁴ we would still be unable to grant the relief requested. Based on Commission records Mr. Donalson is the principal of Far Eastern Telecasters and the former licensee of DKVDO-LP and DKJIB-LP. In its Supplement, New Beginnings admits that it was not the owner of either station.⁵ Absent any evidence to

¹ *FCC Daily Digest*, Broadcast Actions, Report No. 48259, p. 7.

² Petition at 2.

³ The supplement to New Beginnings’ Petition was written in the style of an Application for Review. However, no Commission decision had been issued with regards to its Petition. Accordingly, we will treat this filing as a supplement to its original Petition.

⁴ For example, under 47 C.F.R. §§ 1.106, when filing a petition for reconsideration, other involved parties need to be served. Here, proper service did not occur. 47 C.F.R. §§ 1.47 (requirements for providing service).

⁵ Supplement, at 3 (noting that when New Beginnings was contacted by a prospective buyer for KVDO-LP it forwarded the information to representatives for Mr. Henderson because New Beginnings was not the owner).

the contrary, counsel for Mr. Donalson was authorized to surrender the licenses for both Stations. Just because New Beginnings is the owner of a similarly named entity (Far Eastern Telecasters, Inc.) to the former licensee of DKVDO-LP and DKJIB-LP (Far Easter Telecasters) does not provide New Beginning any control or interest in the licenses for the stations.

New Beginnings also relies on the common law concept of adverse possession in support of its ownership of the Stations. Under the common law doctrine of adverse possession, a person may acquire another person's interest in a property by possessing it for a specified time under certain circumstances.⁶ However, Section 301 of the Communications Act of 1934, as amended, does not contemplate adverse possession as the federal government provides for the use of broadcast channels, but not the ownership thereof, via licenses it grants for limited periods of time.⁷ Section 310(d) of the Act states specifically that no “station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly...except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby.”⁸ On May 20, 2014, New Beginnings filed an application requesting the involuntary transfer of the licenses for DKVDO-LP and DKJIB-LP based on the concept of adverse possession, as well as a license renewal application.⁹ No applications have been granted, and the filing of the applications, which were never accepted by the Commission, does not presume such grant.

In its Petition New Beginnings states that it entered into a contractual agreement with Mr. Henderson to operate and provide programming for the stations. Based on this claim, it is clear that a more appropriate venue for resolving any potential dispute is in a judicial proceeding for damages related to breach of the purported contractual agreement between New Beginnings and Far Eastern Telecasters. The Commission has long held that it “generally does not adjudicate private contractual disputes, but instead attempts to reach a fair accommodation between its exclusive authority over licensing matters and the authority of state and local courts through procedures that defer contractual matters to courts to decide under state and local law.”¹⁰

Accordingly, the Petition for Reconsideration, Petition for Special Relief and all supplements requesting reinstatement that were filed by Far Eastern Telecasters, Inc., and/or New Beginnings Fellowship Church of Houston Texas, **ARE HEREBY DENIED**. Furthermore, all applications filed by Far Eastern Telecasters, Inc. and/or New Beginnings Fellowship Church of Houston, Texas, **ARE HEREBY DISMISSED**.

Sincerely,

Hossein Hashemzadeh
Deputy Chief, Video Division
Media Bureau

cc: John C. Trent, Esq.

⁶ See 7 Richard R. Powell & Patrick J. Rohan, *Powell on Real Property* § 1012 (Michael Allan Wolf ed., 2005).

⁷ 47 U.S.C. § 301.

⁸ 47 U.S.C. § 310(d).

⁹ See Petition at Exhibit A.

¹⁰ *In Re Dawson*, 17 FCC Rcd 472, 473 (2002); see also *Listeners' Guild, Inc. v. FCC*, 813 F.2d 465 (D.C. Cir. 1987)(Commission has long-standing policy to not become involved in private contractual disputes).