



Federal Communications Commission
Washington, D.C. 20554

August 3, 2018

Ms. Obidia Porras
c/o Shelley Sadowsky, Esq.
Sciarrino & Shubert, PLLC
5938 Dorchester Way
Rockville, Maryland 20852

Re: Applications of Obidia Porras for Minor
Modification of, and for License to
Cover Minor Modification for, Low
Power Television Station KCIO-LP on
Channel 6 at Hesperia, California
File Nos.: BPTVL-20090415ABR and
BLTVL-20090428AAP
Fac. ID No. 11529

Dear Ms. Sadowsky:

This is in regard to the above-referenced applications for a license to cover and modification for low-power television station KCIO-LP, Victorville, California (KCIO), licensed to Obidia Porras. Also pending before the Bureau are a 2009 consolidated petition to deny and a petition for reconsideration filed by Venture Technologies Group, LLC (VTG),¹ along with associated pleadings and filings,² and a recent request by VTG to withdraw its Petitions.³ For the reasons discussed below, we grant VTG's Withdrawal Request and dismiss its Petitions. Consistent with precedent,⁴ we also have reviewed VTG's allegations against Porras. We are troubled by factually inaccurate statements in Porras's 2008 license to cover application.⁵ We, therefore, admonish Porras for incorrect statements in her 2008 application and remind her of her duty as a licensee to comply with Section 1.17 of the Commission's rules (Rules).⁶

VTG, licensee of commercial station KSFV-CD, Los Angeles, California, and competitor of KCIO, seeks Bureau approval to withdraw its pending Petitions. We have reviewed all the pleadings and VTG's March 1, 2018, certification that neither it nor its principals received or will receive any money or

¹ VTG Petition to Deny and Petition for Reconsideration (filed May 22, 2009) (Petitions).

² Letter from Shelley Sadowsky, Esq., Dickstein Shapiro LLP, counsel for Porras, to Hossein Hashemzadeh, Associate Chief, Video Division, FCC Media Bureau (May 1, 2009) (RFI Response); Porras Opposition to VTG Petitions (filed June 17, 2009); and VTG Reply (filed July 2, 2009).

³ VTG Petition for Withdrawal of Petition to Deny and Petition for Reconsideration (filed Mar. 1, 2018) (Withdrawal Request).

⁴ See, e.g., *Tuck Properties, Inc.*, Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 10700 (MB 2009) (*Tuck*) (granting withdrawal petition but nonetheless assessing \$10,000 forfeiture based on proven allegations of licensee's false statements in applications related to the construction and operation of a LPTV station).

⁵ See File No. BLTVL-20081027ABB (License Application).

⁶ See 47 CFR § 1.17.

consideration in exchange for the withdrawal and dismissal of its Petitions.⁷ Consistent with Section 73.3588 of the Rules, there is no technical impediment to our granting VTG's request to dismiss its Petitions.⁸ However, because VTG raised questions as to the accuracy of Porras's representations concerning KCIO,⁹ we must address those questions.¹⁰

In 2008, VTG alleged that Porras had not constructed and operated KCIO as authorized.¹¹ Six days after VTG filed its Objection, Ms. Porras sought Bureau approval to withdraw her License Application.¹² Ms. Porras explained that KCIO began operating from Cline Springs on or about October 24, 2008, and continued to do so until November 18, when it terminated operations at the Cline Springs tower site and resumed operations at its then-current authorization.¹³ Ms. Porras then admitted that she had not constructed KCIO's facilities as authorized by the construction permit and stated that she (i) now understands the requirement to construct facilities as authorized; (ii) will notify the FCC, as required, of any changes in facilities that differ from KCIO's authorizations; and (iii) will obtain any necessary prior Commission approval for a change in facilities by applying for and receiving grant of a modification to a construction permit.¹⁴

Section 1.17(a) of the Rules provides, in relevant part, that no applicant or licensee may, in any written statement of fact, provide incorrect material information, or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading – either intentionally or without a reasonable basis for believing the correct and not misleading nature of any such material factual statement.¹⁵ Here, Porras admitted that she had not constructed KCIO as authorized by her 2008 construction permit. Porras's almost immediate effort to withdraw the application after VTG had challenged the license does not mitigate our finding that Porras's License Application contained inaccurate factual statements – either intentionally or absent a reasonable basis for doing so – in apparent violation of Section 1.17. But for the passage of time and intervening license renewal,¹⁶ Porras's conduct could have subjected her to monetary sanction.

⁷ Withdrawal Request.

⁸ 47 CFR § 73.3588 (permitting petitioner to unilaterally withdraw a petition upon Commission approval).

⁹ Objection from Gregory Masters, Esq., and Joan Stewart, Esq., Wiley Rein LLP, counsel for VTG, to Office of the Secretary, FCC (filed Nov. 13, 2008) (Objection). *See also* License Application.

¹⁰ *See supra* note 4.

¹¹ Objection.

¹² Letter from Shelley Sadowsky, Esq., Dickstein Shapiro LLP, counsel for Porras, to Hossein Hashemzadeh (Nov. 19, 2008) (Letter).

¹³ *See id.* at 1-2. In response to Porras's Letter, Bureau staff directed her to provide contemporaneous documentary evidence verifying KCIO's on-air operation in October/November 2008. *See* Letter from Hossein Hashemzadeh, Associate Chief, Video Division, FCC Media Bureau, to Obidia Porras at 2 (Apr. 16, 2009). Porras provided a single piece of such documentary evidence: a two-page telephone bill excerpt of collect calls prison inmates purportedly placed to her on several days in late October and early November 2008. RFI Response at 2-3, Attach. 2. Notably, there were no calls to Porras on the date VTG inspected the station. We thus find Porras's evidence inconclusive, at best.

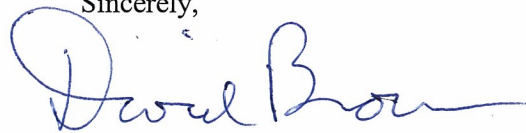
¹⁴ Letter at 1-2.

¹⁵ 47 CFR § 1.17(a); *see also* *Tuck*.

¹⁶ Our December 2014 grant of KCIO's renewal application (File No. BRTVL-20140730ACG) implicitly found Porras qualified to hold a license. Moreover, the renewal, by statute, precludes imposition of a forfeiture at this time. *See* 47 U.S.C. § 503(b)(6).

In view of the foregoing, we **GRANT** VTG's Withdrawal Request and **DISMISS AS MOOT** VTG's Petitions. In addition, we **ADMONISH** the licensee, Obidia Porras, for inaccurate factual statements in her 2008 License Application, in violation of Section 1.17 of the Commission's rules.

Sincerely,



David. J. Brown
Deputy Chief, Video Division
Media Bureau

cc: Ari S. Meltzer, Esq., and Joan Stewart, Esq., Wiley Rein LLP, Counsel for VTG