

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
JUAN ALBERTO AYALA)	Station K262BP
)	Facility No. 144609
)	
<i>FM Translator Station K262BP</i>)	
<i>Conner, California</i>)	

To: **Office of the Secretary**
Directed to: **Chief, Audio Division, Media Bureau**

PETITION FOR RECONSIDERATION

Juan Alberto Ayala, by its attorney, hereby requests reconsideration of the Letter of the Media Bureau dated June 8, 2011, cancelling the station license of FM translator station K262BP.¹ With respect thereto, the following is stated:

As the Commission's Letter states, Station K262BP went off the air on February 24, 2010 due to loss of its transmitter site. As the Commission's CDBS reflects, an application for a new site was filed shortly thereafter, on March 10, 2010, which was then dismissed on June 9, 2010, due to prohibited overlap with a full-service FM station. A new site was procured, and filed for on July 29, 2011. After the application was perfected by amendment filed on November 8, 2010, that application was granted on November 22, 2010.

As confirmed by numerous letters attached hereto, K262BP thereafter restored operations almost immediately at the new site – on December 1, 2010. It has remained on the air at that authorized site since that time. Through inadvertence, at the time it did not file a license to

¹ Public Notice of the cancellation of the license was issued on June 13, 2011. Report No. 45706. Therefore, this Petition is being timely filed.

cover its construction permit or notification to the FCC that service had been restored. Both of those deficiencies now have been rectified. Letters from the licensee; the Pastor at Manatíal De Vida Eterna Church (whose programming is rebroadcast on the station); from the licensee of KAFY(AM) (the station currently being rebroadcast); and from other listeners of the station, all of which confirm that the station has been on the air and operational since December 2010 are attached. Attachment 1. Also attached are photographs of the station's transmitter, tower, and antenna. Attachment 2. Finally, it should be noted that Station K262BP was inspected by the FCC Field Office on April 15, 2011. The FCC Enforcement Bureau, Los Angeles Office, Western Region, also will be able to confirm that the Station was on the air prior to the issuance of the FCC's June 8, 2011 Letter.

Therefore, at no time has Station K262BP been off the air for a greater-than 12 month period in violation of 47 U.S.C. § 312(g) or 47 C.F.R. § 73.1740(c). It therefore is requested that the license be reinstated.

Accordingly, it is requested that this Petition for Reconsideration be granted, and that the Commission reinstate the license of Juan Alberto Ayala for Station K262BP be reinstated.

Respectfully submitted,

JUAN ALBERTO AYALA

By: _____
Dan J. Alpert

His Attorney

*The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201*

703-243-8690

July 12, 2011

Attachment 1

DECLARATION

I, Juan Alberto Ayala, hereby state under penalty of perjury as follows:

1. I am a Pastor of Templo Apostoles Y Profetas Bethel. I also am the original permittee of Station K262BP. The original permit was granted on March 3, 2005, and was licensed on March 13, 2008.

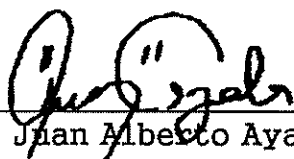
2. When the original transmitter site for the station became prohibitively expensive, the original transmitter site for the Station was lost on February 24, 2010. An application was filed on my behalf for permission to go silent on March 10, 2010, which was granted on April 13, 2010.

3. With the assistance of my consultant and friend, Antonio Cesar Guel, I then began the search to find a new site to get back on the air as soon as possible. One site was filed for at the same time I requested silent authority, on March 10, 2010. That site initially did not work out, and the application was dismissed June 9, 2010. Once it was determined that the defects in the application could be fixed, a new application was filed. The site is a registered tower. The new application for that site was filed on July 29, 2010. The application was ultimately granted on November 22, 2010. While the application was being processed, I learned from my consultant, Mr. Guel, that Elene Hernandez (who is the Pastor of Manatial De Vida Eterna, a sister church located in Bakersfield, California, that is leasing time on Station KAFY(AM) in Bakersfield, California) was looking for an FM translator that could be used to rebroadcast KAFY(AM). I agreed to allow rebroadcast of Station KAFY(AM) to occur on K262BP, and on my behalf she helped with the new transmitter site (the station's current site) on my behalf.

4. A lease for the site already was signed when the modification application was granted. The equipment already was on hand. Therefore, I was able to get the station back on the air almost immediately thereafter, on December 1, 2010. Members of the tower crew that placed the station back on the air are providing letters confirming the date the station went back on the air.

5. The station has been on the air continuously since that time. I am now aware of the fact that an application for license to cover the November 22, 2010 permit (along with notification to the FCC that the station was back on the air) should have been immediately filed after the station went back on the air on December 1, 2010. I inadvertently did not file those materials until just recently. I respectfully request the FCC's forgiveness and indulgence for this oversight.

I declare under penalty that the forgoing is true is correct.



Juan Alberto Ayala

July 6, 2011

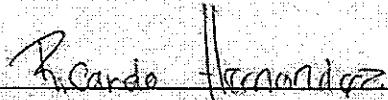
07/07/2011

To whom it may concern,

My name is Ricardo Hernandez. I install antennas. In the middle of November 2010 we were contacted by Antonio Cesar Guel and preacher Juan Ayala in the City of Dallas Texas to make an instillation to a transmitter for a radio FM in the City of Conner CA, this is like 5 miles from Bakersfield CA. Around the last days of November my crew left around 5:00 AM to go from Dallas, Texas to the City of Bakersfield, California. The trip went as planned. We drove 14 to 15 hours and we stopped to sleep in Flagstaff AZ, and the next day we got back on the road and we drove around 12 hours more and we got to Bakersfield CA. Once we got there we immediately headed to the place of installations to see the structure of the tower.

After we checked the tower we went to eat and then we went to sleep in a Hotel so we can wake up the next morning really early and start making the instillation. The next day we installed the antennas on the tower and then the 7/8 inch coaxial cable. After that, we installed a Crown 300 watt transmitter. This installation all together lasted 8 hours straight. In the afternoon we started to transmit the signal live. We went around the city to see what would cover the signal and on that same day the transmitter was adjusted. In my opinion, the installation came out great. The people from church invited us to have dinner and we finished at 12:00 AM and we left to go sleep in a hotel and the next day we started making our way to the City of Dallas TX.

I declare under penalty of perjury that the forgoing is true and correct.


Ricardo Hernandez

La Favorita Radio Network

Nelson F. Gomez, Owner

4043 Geer Road
Hughson, California 95326

Telephone: (209) 883-8760
Facsimile: (209) 883-8769

July 6, 2001

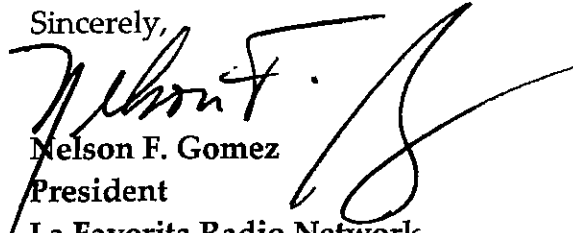
Dan J. Alpert, Esq.
2120 N. 21st Road, Suite 400
Arlington, VA 22201

Re: K262BP, Conner, CA

Mr. Alpert,

The following is to memorialize what we discussed regarding the above referenced translator, assigned to Conner, California. I am the President of La Favorita Radio Network, owner and operator of KAFY 1100 AM, licensed to Bakersfield, California. During the year 2010, La Favorita Radio Network gave permission for its programming to be aired on K262BP. It is my understanding that K262BP has been airing the programming of KAFY since December, 2010. If you need additional information regarding these matters, please let me know.

Sincerely,



Nelson F. Gomez

President

La Favorita Radio Network

July 7, 2011

Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

Re: K262BP, Conner, California

To Whom This May Concern:

My name is Elene Hernandez. I am a Pastor of Manatíal De Vida Eterna, a church located in Bakersfield, California, and am leasing time on Station KAFY(AM) in Bakersfield, California.

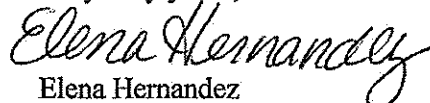
In mid-2010, I became involved with Station KAFY(AM), brokering time on the station. In order to increase the listening audience, I began looking into whether the signal could be rebroadcast on the FM band. I learned from my consultant that Juan Alberto Ayala was the licensee of a nearby FM translator that could be used for this purpose.

Once an agreement was reached, I helped secure a transmitter site. I also obtained permission of the licensee KAFY(AM) for the rebroadcast of KAFY(AM) to occur.

I personally can confirm that the FM translator, "K262BP," resumed operations at the site I helped secure for the station on December 1, 2010. The station has remained on the air since that time. I personally listen to the programming on that channel on almost a daily basis.

I declare under penalty of perjury that the foregoing is true and correct.

Very truly yours,


Elena Hernandez

Ministerio de Lluvias de Gracia y Gloria

7/11/2011

1100 Height St.
Bakersfield, Ca 93305
(661) 869-5408

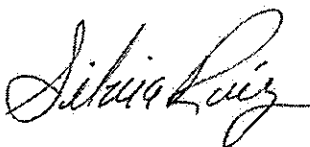
To Whom This May Concern:

My name is Silvia Ruiz. I have been a pastor for the past 17 years at Iglesia Lluvias de Gracia y Gloria, a church located in Bakersfield, Ca. Recently, since Radio Manantial de Vida Eterna began providing programming on KAFY(AM), it has blessed my life tremendously through its testimonies, preaching and music. Furthermore, it has helped my ministry grow since I'm able to participate by preaching the word of God. Moreover, I have been able to minister through prayers, counseling, and teaching. For example, during the time that I've been on air or after the preaching, I have received numerous calls from couples in the process of divorce and I've had the opportunity to counsel them towards obtaining the best possible solution to their questions, thoughts, and concerns. Many have been restored and others continue the counseling process. Those benefits have increased since Station KAFY(AM) began being rebroadcast on 100.3 FM late last year.

Since we've been a part of the Radio Manantial, our congregation and ministry has been motivated to grow. The congregation has also volunteers at the radio station in many different types of ways. For example, those who are getting prepared to become pastors and evangelists are given the opportunity to preach to the audience without cost. Radio Manantial has also made a difference not only in our ministry but also in the community. They have worked extremely hard towards uniting a community with the prime focus to build stronger families ties. Recently, the radio station had a very successful event promoting families to stay together and grow strong. They were able to reach many different religious beliefs, age groups, and ethnicities.

This is to confirm that the FM signal on 100.3 FM began operations late last year, and I listen to the station on the FM frequency on a frequent basis. At no time since late last year has the station been off the air. My congregation and I, Pastor Silvia Ruiz, strongly support this radio station because it has made a difference in our community and our ministries. They have made a huge breakthrough in many people's lives to impact their way of thinking towards obtaining a new way of living.

Sincerely,



Pastor Silvia Ruiz
Ministerios de Lluvias de Gracia y Gloria, Inc.

Iglesia Escalando al Cielo

7/11/2011

1712 Morning Dr.
Bakersfield, Ca 93306
(661) 903-3996

To Whom This May Concern:

My name is Roberto Cedillos. I am the Pastor of Escalando al Cielo, a church located in Bakersfield, Ca. Radio Manantial de Vida Eterna has been blessing many people's lives in our community as well as our congregation and ministry through its preaching's, testimonies and inspirational music to many souls in need of help and support.

My life has also been blessed tremendously ever since I've had the opportunity to take forth the word of God and consolation to many broken souls through prayers, counseling and teachings. We have received numerous calls when we're preaching on air. Their questions, thoughts and opinions have been answered to help them make wise decisions. For example, many have called for help with alcohol and drug addictions and have been referred over to various rehab centers.

Our congregation and ministry have multiplied in number since we've had the opportunity to be a part of Radio Manantial de Vida Eterna on KAFY and 100.3 FM. I have been listening to the station on the FM frequency (in additional to the AM frequency) since early this year. The station has always been on the air since that time. Thanks to the broadcasts, we are constantly announcing our church's time of service and location. Many new souls have visited or started to congregate at our church. Many have decided to volunteer at the radio station in many different ways and have been blessed for their support. Those who are being prepared as pastors and evangelists have the bless opportunity to preach on air at no cost.

Radio Manantial de Vida Eterna, on both the AM and FM frequencies, has made an influential difference in our community. Recently, they had a massive event where many families were bonded together to enjoy family quality time. Their major goal is to unite broken homes, build stronger family ties, and provide help to their needs. Many different ethnicities, religious beliefs, and age groups were reached and understood. It was a real breakthrough.

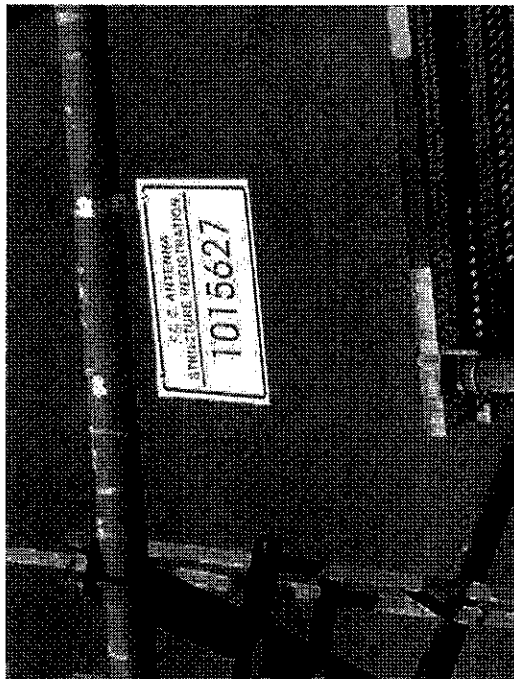
My congregation and I, Pastor Roberto Cedillos, strongly support this radio station. Many people's lives are being restored and guided towards living a successful life.

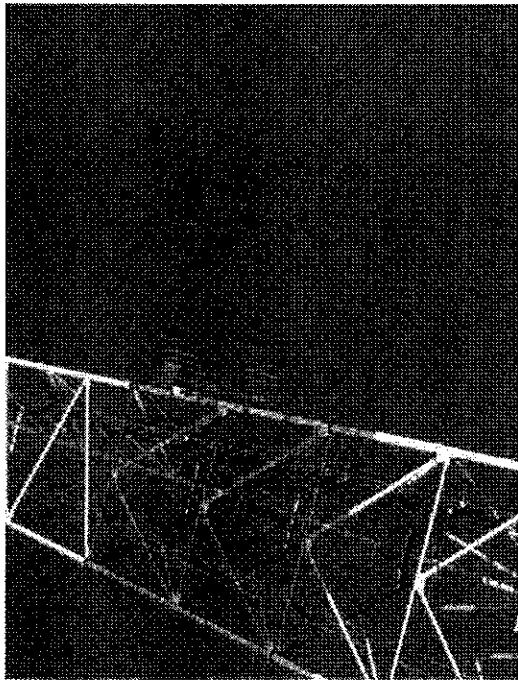
Sincerely,



Pastor Roberto Cedillos
Iglesia Escalando al Cielo

Attachment 2





DEPARTMENT OF AGRICULTURE
FEDERAL CONSTRUCTION COMMISSION
PERIODIC INSPECTION REPORT
CONSTRUCTION PERMIT



Project Name: [Illegible]
Location: [Illegible]
Inspector: [Illegible]
Date: [Illegible]
[Illegible text continues in several columns]



