

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
MOUNTAIN RIDGE HOLDINGS, INC.) File No. BLDTL-20140611ADE
) Facility No. 40207
KVTE-LD, Las Vegas, Nevada)

To: Office of the Secretary
Attention: Audio Division, Media Bureau

PETITION TO DECLARE LICENSE EXPIRED

King Kong Broadcasting, Inc. ("King Kong"), licensee of KGNG-LD, Channel 26, Las Vegas, Nevada, Facility No. 168638, hereby petitions the Commission to declare the license of low power television station KVTE-LD, Channel 35, Las Vegas, Nevada, licensed to Mountain Ridge Holdings, Inc. ("Mountain Ridge") to **have expired as a matter of law pursuant to 47 U.S.C. §312(g)**. In support whereof, the following is shown:

This matter is borne out of a proceeding whereby Scripps Broadcasting Holdings, LLC ("Scripps"), the licensee of KTNV-TV, Channel 13, Las Vegas, Nevada, filed a Petition for Rulemaking ("Petition"), requesting the substitution of Channel 26 for Channel 13 at Las Vegas in the DTV Table of Allotments (MB Docket 21-221; RM-11908). Grant of the Petition would permit Scripps to change the channel associated with KTNV-TV from Channel 13 to Channel 26, thereby displacing King Kong's KGNG-LD from operating on Channel 26. King Kong's Comments in the Scripps Rulemaking proceeding ("Comments") explained that there are at least eight other UHF channels in the Las Vegas market that Scripps could have selected for substitution, other than Channel 26.

Among them is Channel 35, utilized by KVTE-LD. In the Comments, King Kong asserted

that the station may not be on the air. Following the filing of the Comments, on August 12, 2021, Mountain Ridge filed a request for Silent STA, informing the Commission that the KVTE-LD went silent on August 3, 2021 (File No. 0000156957, the “2021 Silent STA Request”).¹

However, after further examination and research since the time of the filing of the Comments, King Kong believes that KVTE-LD has not been on the air in any capacity since at least sometime in September of 2018, despite Mountain Ridge’s certifications to the contrary – made in recognition that willful false statements made therein could lead to harsh penalties including station revocation – as part of the 2019 Silent STA Request, the subsequent Resumption of Operations Notice, and the 2021 Silent STA Request. Accordingly, because KVTE-LD failed to transmit broadcast signals for a consecutive 12-month period, the underlying license for KVTE-LD expired as a matter of law in September of 2019.

Attached to this Petition is a Declaration of Richard Dodds, a video enthusiast in Las Vegas who has no business or personal connection to King Kong, Mountain Ridge or any of the representatives of those organizations. Rather, Mr. Dodds is active on an Internet forum regarding television operations in Las Vegas. Mr. Dodds regularly monitors the status of all TV stations in the area, to see what programming the stations are carrying. He spot-checks every station in Las Vegas several times per day. Since March 2005, he has kept records of the programming being carried by all of the Las Vegas stations.

Mr. Dodds always checks KVTE-LD, Channel 35, and is able to confirm that the station

¹ On April 1, 2019, Mountain Ridge filed a request for Silent STA, reporting that, as of March 29, 2019, the KVTE-LD mask filter was not functioning properly, meaning the station could not operate (File No. 0000068787, the “2019 Silent STA Request”). On March 30, 2020, Mountain Ridge filed a Resumption of Operations notice (File No. 0000110002), certifying that KVTE-LD had resumed operating pursuant to the terms of its license, on March 26, 2020.

was not operating between March 2005 (when he first started keeping records)² until September 2018. According to Mr. Dodds, in September 2018, KVTE-LD began airing a “loop” of promos regarding the programming that the station was promising to air. Mr. Dodds reports that, in September 2018, KVTE-LD aired the Get Network for about three weeks, then it abruptly stopped broadcasting any content at all. Mr. Dodds’ records confirm that the station has not been on the air at all since late September 2018.

Also attached is the attached Declaration of Laurence Hunt, President of King Kong. As set forth in that Declaration, on September 15, 2021, with the authorization of the owner of the KVTE-LD transmitter site, representatives of King Kong visited that site. King Kong’s representatives discovered that KVTE-LD is operating without a multiplexer or a digital encoder, meaning there is no way to feed a digital signal to the transmitter.³ The experiences of King Kong’s representatives are consistent with Mr. Dodds’ records, which indicate that KVTE-LD has not been on the air at all since at least September 2018.

Section 312(g) of the Communications Act of 1934, as amended, provides that the license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires automatically at the end of that period.⁴ Because KVTE-LD failed to transmit broadcast signals voluntarily for more than 12 months (between September 2018 and September 2019), the license has expired automatically as a matter of law.

In light of the foregoing, King Kong respectfully requests that the Commission declare that

² KVTE-LD commenced analog operations in 1999 (File No. BLTTL-19990702JD).

³ King Kong’s representatives also determined that KVTE-LD also does not maintain any equipment necessary to participate in the Emergency Alert System.

⁴ “If a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term or condition of the license to the contrary...”

the KVTE-LD license has expired, delete the KVTE-LD call letters, and refuse to process any future applications related to Facility ID 40207.⁵

Respectfully submitted,

KING KONG BROADCASTING, INC.

By: _____/s/_____
Mark B. Denbo
Its Attorney

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Washington, DC 20016
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September 29, 2021

⁵ Declaring the license expired is consistent with the holdings in *DKCPM(TV)*, 35 FCC Rcd 5373 (Media Bur. 2020) and *Kingdom of God*, 32 FCC Rcd 3654 (2017). In each case, the reviewing body confirmed that the Commission’s discretion to reinstate an expired license to promote “equity and fairness” arises only when the station is off the air due to “compelling” reasons beyond a licensee’s control. Here, there is no evidence that KVTE-LD was off the air for any reason – much less a “compelling” reason – beyond Mountain Ridge’s control.

DECLARATION OF RICHARD DODDS

I, Richard Dodds, hereby declare under penalty of perjury as follows:

1. I am a private citizen, and I have no business or personal connection with King Kong Broadcasting, Inc. or Larry Hunt. In fact, I have never met Mr. Hunt in person. Just about the only way the two of us have communicated is through an Internet forum, known as the AVS Forum-Las Vegas, that both of us post on from time to time. I have spoken to Mr. Hunt on the phone once or twice and we have e-mailed on a handful of occasions.

2. I am a video enthusiast, especially with respect to all of the television stations in Las Vegas. I regularly monitor the status of all TV stations in the area, to see what programming the stations are carrying. I spot-check every station in Las Vegas several times per day.

3. Since March 2005, I have been keeping records of the programming being carried by all of the Las Vegas stations. I always check KVTE-LD, Channel 35, because I have been waiting for some time to see what programming, if any, would be aired on the station. I have no business or personal connection with Mountain Ridge or anyone connected to Mountain Ridge or KVTE.

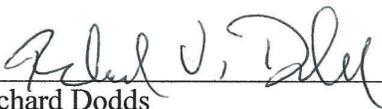
4. KVTE was off the air from sometime in March 2005 (when I first started keeping records), until September 2018. In September 2018, the station began airing a "loop" of promos, regarding all of the programming that the station was promising to air. Those of us on the AVS Forum were excited because we were looking forward to seeing some actual programming on the station. In September 2018, KVTE aired the Get Network for about three weeks, then it abruptly stopped. My records indicate that KVTE has not been carrying any programming at all since late September 2018, and I am confident that KVTE has not been on the air at all since that time.

5. In late 2018, I drove to the location where the KVTE transmitter is supposed to be located. At that location, on Charleston Boulevard in West Las Vegas, I saw only a small satellite receive dish located on the roof of the building. This is hardly the type of equipment one would expect to see from an actual television station that is supposed to be broadcasting programming to the public.

6. As a concerned citizen, I would prefer to see Channel 35 be used by a broadcaster who will deliver quality programming to viewers in Las Vegas.

7. The foregoing is true and correct to the best of my personal knowledge, information and belief.

Executed on the 23 day of September, 2021.


Richard Dodds

DECLARATION OF LAURENCE HUNT

I, Laurence Hunt, hereby declare under penalty of perjury as follows:

1. I am the President of King Kong Broadcasting, Inc. I have over 30 years' worth of experience in the television industry and I possess sufficient knowledge about how a television station is supposed to be operated from a technical perspective.
2. I have read the foregoing Petition to Declare License Expired. The statements made in the Petition are true and correct to the best of my personal knowledge, information and belief.
3. On September 15, 2021, with the authorization of the owner of the KVTE-LD transmitter site, I visited that site along with an engineer who also possesses significant experience in the television industry. As the attached photos reveal, KVTE-LD is operating without a multiplexer or a digital encoder, meaning there is no way to feed a digital signal to the transmitter. I also noticed that KVTE-LD also does not maintain any equipment necessary to participate in the Emergency Alert System.

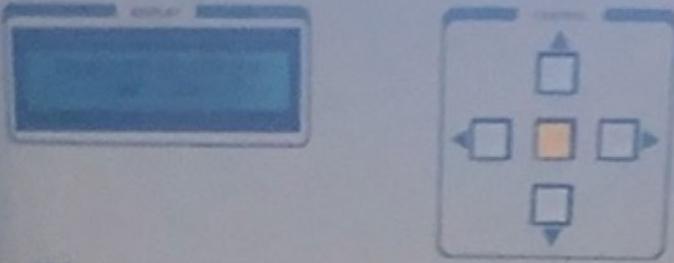
Executed on the 29th day of September, 2021.

_____/s/_____
Laurence Hunt

HITACHI



ADVANCED TV



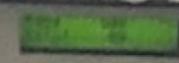
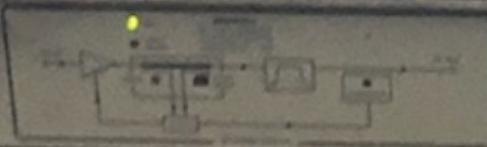
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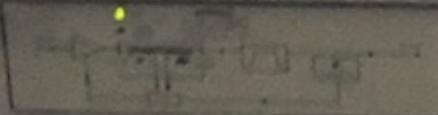
CMB 3



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CERTIFICATE OF SERVICE

I, Mark B. Denbo, do hereby certify that a copy of the foregoing “Petition to Declare License Expired” was mailed by First Class U.S. Mail, postage prepaid this 29th day of September, 2021 to the following:

Dan J. Alpert, Esq.
The Law Office of Dan J. Alpert
2120 21st Road, North
Arlington, VA 22201
(Counsel to Mountain Ridge Holdings, Inc.)

_____/s/_____
Mark B. Denbo