



Federal Communications Commission  
Washington, D.C. 20554

February 26, 2021

*In reply refer to:*  
1800B3-CRC

W. Lawrence Patrick, Receiver  
c/o Dawn M. Sciarrino, Esq.  
Sciarrino & Shubert, PLLC  
330 Franklin Road  
Suite 135A-133  
Franklin, TN 37027

VCY America, Inc.  
c/o Kathryne Dickerson, Esq.  
Wiley Rein LLP  
1776 K Street, NW  
Washington, DC 20006

Silver State Broadcasting, Inc., and  
Royce International Broadcasting Corporation  
c/o Dan J. Alpert, Esq.  
The Law Office of Dan J. Alpert  
2120 N. 21st Road  
Arlington, VA 22201

In re: KRFH(FM), North Las Vegas, NV  
Facility No. 19062

KREV(FM), Alameda, CA  
Facility No. 36029

KRCK-FM, Mecca, CA  
Facility No. 52908

File No. 130216

Application for Assignment of License

Motion for Extension of Time

Dear counsel:

This letter concerns the motion for extension of time (Motion) filed on February 23, 2021, by Royce International Broadcasting Corporation and Silver State Broadcasting, Inc., (together, Royce) and the opposition to the Motion (Opposition) filed on February 24, 2021, by W. Lawrence Patrick, Receiver

(Receiver).<sup>1</sup> In the Motion, Royce requests that we extend the deadline for filing a reply (Reply Deadline) to the opposition to petition to deny filed by the Receiver on February 18, 2021.<sup>2</sup> Royce contends that extending the Reply Deadline to March 11, 2021, will provide time for the presiding judge to issue a ruling on a matter that Royce claims was raised in ongoing proceedings involving Royce and the Receiver before a federal district court in California.<sup>3</sup> Royce further asserts that a brief extension of the Reply Deadline “will result . . . in only a small delay in completing the pleading cycle” in this proceeding regarding the assignment application.<sup>4</sup>

In the Opposition, the Receiver states that he and VCY America, Inc., the proposed assignee on the above-captioned assignment of license applications, jointly agree to an extension of time until no later than March 3, 2021, because a snow storm “prevented counsel from serving the Opposition by US Postal Service.”<sup>5</sup> The Receiver asserts that “the excuse cited by [Royce]” for a lengthier extension “no longer exists,” because the court terminated the briefing schedule on the matter that Royce cites as reason warranting an extension of the Reply Deadline in this proceeding regarding the assignment application.<sup>6</sup> While the Receiver does not oppose extending the Reply Deadline to March 3, the Receiver asserts that the Motion and the Supplement to Petition to Deny filed by Royce on February 19, 2021, are unauthorized pleadings that must be stricken from the record in this proceeding.<sup>7</sup>

It is the policy of the Commission that motions for extensions of time shall not be routinely granted.<sup>8</sup> Here, we do not find good cause to grant an extension of the Reply Deadline. Because the Motion is not accompanied by any documentation supporting Royce’s asserted reason for an extension of the Reply Deadline, and because the Receiver has submitted documentation that undermines the basis Royce cites for its extension request,<sup>9</sup> we find that Royce has not shown that special circumstances

---

<sup>1</sup> Motion of Royce for Extension of Time, Pleading No. 136896 (filed Feb. 23, 2021) (Motion); Opposition of Receiver to Motion, Pleading No. 136974 (filed Feb. 24, 2021) (Opposition).

<sup>2</sup> Motion at 1.

<sup>3</sup> *Id.* at 4. Royce requests that the Reply Deadline be extended by ten business days, which according to Royce, would make March 11, 2021, the Reply Deadline if the requested extension is granted. *Id.* at 1, 4. However, Royce states inaccurately that the Reply Deadline presently is February 25, 2021. *Id.* at 4. Under the Commission’s rules, the Reply Deadline is actually March 2, 2021. See 47 CFR §§ 1.4(g)–(j), 1.45(c), 73.3584(b).

<sup>4</sup> Motion at 4. Royce claims that VCY consented to the extension request but that the Receiver had not responded to Royce’s request for consent at the time the Motion was filed. *Id.*

<sup>5</sup> Opposition at 1.

<sup>6</sup> *Id.* at 1-2.

<sup>7</sup> *Id.* at 3. At this time, we decline to consider the Receiver’s request that we strike certain pleadings from the record in this proceeding. We find that this request is more appropriately considered in a subsequent letter decision in which we plan to dispose of the pending assignment application (file no. 130216) and Royce’s petition to deny that application.

<sup>8</sup> 47 CFR § 1.46(a).

<sup>9</sup> Receiver W. Lawrence Patrick’s Submission re: Court Jurisdiction, Attach. to Opposition, at 2 & n.2 (requesting that court not issue an order compelling Royce to request withdrawal of its petition to deny the assignment application and acknowledging that “[t]he FCC has the power to independently consider . . . [Royce’s] filings before [the FCC]”). See *Arecibo Radio Corp.*, Memorandum Opinion and Order, 101 F.C.C.2d 545, 549, para. 10 (1985) (“We understand the Supreme Court to have held that, in taking steps to place a matter before the Commission, a court can neither prohibit interested parties from making arguments to the Commission concerning the merits of the

warrant an extension of the Reply Deadline. Further, while the Receiver consents to an extension of the Reply Deadline to March 3, we do not believe that declining to extend the Reply Deadline by one day will be unfairly prejudicial to Royce.<sup>10</sup> For these reasons, we decline to grant an extension of the Reply Deadline and deny the Motion.

Accordingly, IT IS ORDERED that the motion for extension of time filed by Royce International Broadcasting Corporation and Silver State Broadcasting, Inc., on February 23, 2021, IS DENIED. Pursuant to sections 1.4, 1.45, and 73.3584 of the Commission's rules, the deadline for Royce to file a reply to the opposition to petition to deny the assignment of license application (file no. 130216) is March 2, 2021.

Sincerely,

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

---

matter nor infringe in any way the Commission's exclusive, jurisdiction over licensing matters." (citing *Radio Station WOW v. Johnson*, 326 U.S. 120, 130-31 (1945))).

<sup>10</sup> As discussed above, under the Commission's rules, the Reply Deadline is March 2, 2021, not February 25, 2021, contrary to what Royce asserts in the Motion. *See supra* note 3.