

Request for Extension of Technical STA

The current licensee of radio station KFRH(FM), North Las Vegas, Nevada (Facility ID No. 19062, “KFRH”), respectfully submits this request for an extension of the technical special temporary authority (“STA”) granted for KFRH in LMS File No. 0000220622, to operate on a temporary basis, for up to another six months, with its licensed auxiliary facilities (as authorized in LMS File No. 0000100312), due to what is reasonably expected to be the temporary inability to use the site licensed for its main facility.

As explained in the granted original STA request, KFRH has gone through several transitions in recent years, with the license first being involuntarily assigned on July 24, 2020, from the original limited liability company licensee, Silver State Broadcasting, LLC (“Silver State LLC”), which was controlled by Edward R. Stolz, II (“Stolz”), to a receiver appointed by a federal court, W. Lawrence Patrick, Receiver (“Patrick”), who contracted with a third party to operate the station under a time brokerage arrangement. Silver State LLC then filed for bankruptcy before a federal court in Nevada, and the license was involuntarily assigned on February 22, 2022, back to Silver State LLC, as a “debtor in possession” (“Silver State DIP”) of the bankruptcy estate, controlled by Stolz, who resumed operating the station. Then on March 10, 2023, the bankruptcy court appointed Michael W. Carmel, Esq. as the Chapter 11 trustee (“Trustee”) for the bankruptcy estate, and after Commission consent, on June 20, 2023, the license was involuntarily assigned to the current licensee, the Bankruptcy Estate of Silver State Broadcasting, LLC (the “Bankruptcy Estate”), controlled by the Trustee.

After taking over control of the station, the Bankruptcy Estate determined during its investigations that at some point, likely in July 2022, Silver State DIP (while controlled by Stolz) lost the use of KFRH’s licensed main antenna site on Potosi Mountain, see CDBS File No. BLH-19961122KB, due to asserted nonpayment of amounts due to the tower owner landlord, Crown Castle MU, LLC (“Crown Castle”), and ultimately operated KFRH using its licensed auxiliary facilities on Arden Peak, see LMS File No. 0000100312 (the “Licensed Auxiliary Facilities”). However, while Section 73.1675 of the FCC’s rules specifically allows for use of the Licensed Auxiliary Facilities “for use when the main antenna is out of service **for repairs or replacement**”, 47 C.F.R. § 73.1635 (emphasis added), and arguably the Licensed Auxiliary Facilities have been used until there can be a “replacement” of the licensed main facilities, since it was not clear that this use of the Licensed Auxiliary Facilities falls clearly under the intent of Section 73.1675, the Bankruptcy Estate requested the granted technical STA, and is requesting this extension, out of an abundance of caution, to clearly authorize such use, for a temporary period until operations with licensed main facilities can be restored.

Operation is proposed with the Licensed Auxiliary Facilities and the parameters specified therein (as authorized by the Commission in LMS File No. 0000100312), including with a nondirectional antenna and 1.7 kw effective radiated power, with an antenna height of 15 meters (49 feet) above ground level, 1326 meters (4349 feet) above mean sea level, and 1126 meters (3693 feet) height above average terrain, from the antenna mounted on a tower located on Arden Peak,

south of Henderson in Clark County, Nevada.¹ Operation with the proposed facilities would provide the required coverage over KFRH's community of license of North Las Vegas, Nevada.

The Commission has granted its consent to a bankruptcy court-approved sale and assignment of the FCC license for KFRH to VCY America, Inc. ("VCY"), see LMS File No. 0000232157, which the parties anticipate to close upon shortly, after which time VCY should determine how it would like to address the licensing of a main facility on a more permanent basis; therefore, grant of this extension of the technical STA is requested for up to six months during this process. Grant of the request technical STA would serve the public interest by allowing KFRH to remain on the air during this process and with more legal certainty using the Licensed Auxiliary Facilities, and by preserving the station and the value of the assets of the Bankruptcy Estate for creditors and other parties in accordance with their priorities under bankruptcy law, and, in comity with the bankruptcy court, during this process.

¹ The Commission also has been notified previously that KFRH's Licensed Auxiliary Facilities also operate in a hybrid digital mode, see CDBS File No. BDNH-20080520ACP, with 0.245 kw ERP digital, see CDBS File No. BXLH-20080414AAP, Technical Statement Exhibit at n.1, which hybrid digital operation would continue under the requested technical STA.