

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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JUL 24 2019

Federal Communications Commission
Office of the Secretary

In re)
)
Edgewater Broadcasting, Inc.)
Licensee of FM Translator)
W256CL)
Park Forest, IL)

File No. BPFT-20171229ABE

To: Office of the Secretary
Attn.: Chief, Media Bureau

OPPOSITION TO MOTION FOR STAY

Edgewater Broadcasting, Inc. ("EBI"), by its attorneys, submits its Opposition to the July 1, 2019 Motion for Stay filed by Sound of Hope Radio NFP ("SOH"). In support, EBI submits the following:

SOH, licensee of low power FM radio station WQEG-LP, Chicago, Illinois, seeks a stay of the Bureau's June 5, 2018 letter decision ("Letter Decision") denying SOH's Informal Objection and granting the EBI modification application – BPFT-20171229ABE.

In order to obtain a stay, SOH must demonstrate the following criteria:

- (1) Has the petitioner shown that it is likely to prevail on the merits?
- (2) Has the petitioner shown that without such relief, it will be irreparably injured?
- (3) Would the issuance of a stay substantially harm other parties interested in the proceedings?

(4) Where lies the public interest?

See Rates for Interstate Inmate Calling Services, 31 FCC Rcd 10936 (WB 2016);
Wash. Metro Area Transit Commission v. Holiday Tours, Inc., 559 F.2d 841
(D.C. Cir. 1977).

With respect to the first criterion, likelihood to prevail on the merits, SOH references its concurrently filed Petition for Reconsideration. Predicated on the arguments advances therein, SOH concludes that it has satisfied the likelihood of prevailing in the merits. This argument is, on its face, self-serving. SOH does not cite any specific cases where in similar circumstances a stay was granted. In this regard, SOH does not cite any case where the Commission has granted a stay predicated on a pending pleading.

EBI is concurrently filing an Opposition to SOH's Petition for Reconsideration. It is submitted that SOH will not prevail on the merits. In this regard, EBI, pursuant to the Commission's detailed analyses, did not abuse the Commission's processes.

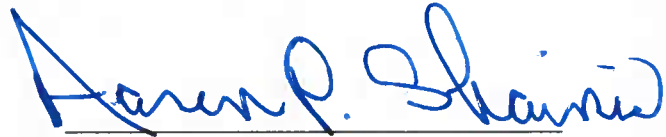
SOH argues irreparable injury since the EBI grant precludes it from filing for a modification. EBI is not aware that a valid basis for an objection, let alone a stay, is that a grant would impact future plans. SOH does not even attempt to explain why it did not file a modification at a date prior to the EBI submission. Since EBI was the first to file, under longstanding Commission practice, its application is protected.

With respect to the "harm to other parties," the SOH argument is circular. SOH's argument is that since EBI should not be permitted to operate from its modification application site predicated on the arguments advanced by SOH in its Petition for Reconsideration, but can continue to operate from the current licensed site, EBI will suffer no harm. This argument deserves to be dismissed out of hand. The very underpinnings of the argument are fanciful.

SOH's public interest argument also must fail. SOH has not demonstrated in its Petition for Reconsideration that reversal of the Letter Decision would be in the public interest. SOH's argument rests entirely on its supposition that it will prevail pursuant to its Petition for Reconsideration. EBI believes it has refuted those arguments and thus asserts that SOH will not prevail.

In view of the foregoing, SOH's Motion for Stay must be denied.

Respectfully submitted,



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July 24, 2019

CERTIFICATE OF SERVICE

I, Malinda Markland, hereby certify that I have sent, this 24th day of July, 2019, copies of the foregoing OPPOSITION TO MOTION FOR STAY to the following:

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