

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

In re)	
)	
CHINESE VOICE OF GOLDEN CITY)	File No. BLL-20171120AAB
DKQLS-LP, Las Vegas, Nevada)	File No. BMLL-20190809AAL
)	Facility ID # 194198
Expiration of License Pursuant)	
To 47 U.S.C. §312(g))	

TO: Honorable Marlene H. Dortch
Secretary of the Commission

ATTN: Chief, Audio Division,
Media Bureau

**OPPOSITION TO
MOTION FOR STAY**

Silver State Broadcasting, LLC (SSB), licensee of FM Translator Station K284CW, Winchester, Nevada, hereby respectfully submits this Opposition to the December 5, 2019 "Motion for Stay" filed by Chinese Voice of Golden City ("CVGC"), the former licensee of Low Power FM Station KQLS-LP, 103.1 MHz, Las Vegas, Nevada. A "Motion for Leave to File Out of Time" is being simultaneously filed today. In support whereof, the following is shown:

Preliminary Statement

1. SSB's interest in the above-captioned application stems from its attempt to move K284CW from its current frequency assignment of 104.7 MHz to 103.1 MHz to resolve an interference

dispute with the licensee of FM Broadcast Station KJUL, 104.7 MHz, Moapa Valley, Nevada.

2. The FCC gave a descriptive public notice of its November 19, 2019 letter ruling that the KQLS-LP license had expired pursuant to 47 U.S.C. §312(g) in **Public Notice, Broadcast Actions, Report No. 49619**, at p. 3, released November 22, 2019 (see Exhibit A). Pursuant to Sections 1.106(f) and 1.4(e)(1), the due date for a Petition for Reconsideration was Monday, December 23, 2019.

3. As it turned out, CVGC filed both its Petition for Reconsideration and Motion for Stay on December 5, 2019 through the new LMS filing platform, despite the fact that its prior applications had been filed through the CDBS filing platform. The undersigned had been following the CDBS database and the daily FCC releases titled "Pleadings", but did not become aware that CVGC had filed said petition until December 26, 2019, the first business day after December 23, 2019, upon making an inquiry to the Audio Division staff.

4. SSB's instant Opposition is being filed on the tenth calendar day subsequent to December 23, 2019, so no material delay or prejudice can result from the consideration of this pleading on its merits.

CVGC Is Not Entitled to an Administrative Stay

5. To save space and time, we hereby incorporate by reference the matters and legal arguments raised in our Opposition to Petition for Reconsideration.

6. It is well settled at the FCC that, in order to obtain an administrative stay, a movant such as CVGC must demonstrate the following four items: (1) that it is likely to prevail on the merits; (2) that it will suffer irreparable harm if a stay is not granted; (3) that other interested parties will not be harmed if the stay is granted; and (4) that the public interest favors grant of a stay. ***General Telephone Company of California***, 8 FCC Rcd 8753, ¶4, n.4 (1993), citing ***Wisconsin Gas Co. v. FERC***, 758 F.2d 659 (D. C. Cir. 1985, per curiam); ***Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.***, 559 F.2d 841, 842-43 (D. C. Cir. 1977); ***Virginia Petroleum Jobbers Association v. FPC***, 259 F.2d 921, 925 (D. C. Cir. 1958).

7. CVGC lacks the likelihood of success on the merits, because the rule section upon which it relies, that 47 C.F.R. §73.1690(c)(11), does not apply to low power FM stations such as KQLS-LP. See 47 C.F.R. §73.801. CVGC operated KQLS-LP for more than one year at an unauthorized site, in violation of 47 C.F.R. §73.875(b)(2). According to the FCC Audio Division's November 19, 2019 letter ruling, the KQLS-LP license expired as a matter of law at 12:01 a.m. on December 13, 2018.

8. Furthermore, CVGC cannot show that other interested parties will not be harmed if its requested stay is granted. SSB would like to implement its plan to eliminate the possibility of present or future interference to KJUL by being able to move K284CW to 103.1 MHz from its present 104.7 MHz. SSB and SAI would be harmed if the requested stay is granted. Additionally, the public interest disfavors the warehousing of frequencies, which is what would happen if CVGC's requested stay is granted. See e.g. *Cochise Broadcasting LLC*, 32 FCC Rcd 3932 (Consent Decree, Bureau, May 26, 2017)

9. We would also point out that when CVGC filed an FCC Form 319 application for its initial covering license on November 20, 2017, the day that the KQLS-LP construction permit expired, it represented to the FCC that it constructed its station in accordance with its construction permit, which CVGC admitted to the FCC on August 9, 2019 was not true; its actual transmitter site was 256 feet away from its authorized site. Pursuant to 47 U.S.C. §312(a)(2-3), the FCC is authorized to revoke a license or construction permit either "because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application" or "for willful or repeated failure to operate substantially as set forth in the license".

10. Therefore, CVGC has failed to demonstrate each of the four criteria which it is required to demonstrate in order to receive an administrative stay. Its instant motion for stay must be denied.

WHEREFORE, it is urged that the Motion for Stay filed by Chinese Voice of Golden City **BE DISMISSED OR DENIED.**

Respectfully submitted,

SILVER STATE BROADCASTING, LLC



By _____
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PUBLIC NOTICE

Federal Communications Commission
445 Twelfth Street SW
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222

REPORT NO. 49619

Broadcast Actions

11/22/2019

STATE FILE NUMBER E/P CALL LETTERS APPLICANT AND LOCATION N A T U R E O F A P P L I C A T I O N

Actions of: 11/19/2019

FM TRANSLATOR APPLICATIONS FOR ASSIGNMENT OF LICENSE GRANTED

GA	BAL-20190919AAV	W222AF 83640	IMMANUEL BROADCASTING NETWORK, INC.	GA, MARIETTA	Voluntary Assignment of License From: IMMANUEL BROADCASTING NETWORK, INC. To: EDUCATIONAL MEDIA FOUNDATION Form 345
	E	92.3 MHZ			

GA	BALFT-20190919AAW	W223BP 148961	IMMANUEL BROADCASTING NETWORK, INC.	GA, LITHIA SPRINGS	Voluntary Assignment of License From: IMMANUEL BROADCASTING NETWORK, INC. To: EDUCATIONAL MEDIA FOUNDATION Form 345
	E	92.5 MHZ			

LOW POWER FM APPLICATIONS FOR LICENSE TO COVER LICENSE CANCELLED

NV	BLL-20171120AAB	DKQLS-LP 194198	CHINESE VOICE OF GOLDEN CITY	NV, LAS VEGAS	License to cover. License cancelled on 11/19/19 pursuant to §312(g).
	E	103.1 MHZ			

EXHIBIT A

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing "Opposition to Motion for Stay" has been served by both e-mail and first-class United States mail, postage prepaid, on this 2nd day of January, 2020 upon the following:

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