

VIA LMS

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Attn: Chief, Audio Division, Media Bureau

Re: Notice of Ex Parte Communication; LMS Application File No. 0000130216

Dear Ms. Dortch,

On July 1, 2021, W. Lawrence Patrick, Receiver (“Mr. Patrick” or “Receiver”) and VCY America, Inc. (“VCY”), by counsel, participated in a video conference with the participants listed in Attachment A regarding the above-referenced application for assignment of KFRH(FM), KREV(FM) and KRCK-FM (the “Stations”) from Patrick to VCY (the “Application”).

During the meeting, Ms. Sciarrino noted that the Application has now been pending for six months, and no legitimate questions have been raised as to whether the Receiver is the proper licensee of the Stations or whether VCY is qualified to hold the Station licenses. Indeed, the U.S. District Court and the U.S. Court of Appeals for the 9th Circuit have repeatedly affirmed the authority of the Receiver to sell the Stations and/or declined to terminate the receivership. Ms. Sciarrino also noted that an order issued by the U.S. District Court on September 10, 2021 directing Mr. Patrick to accept VCY’s offer to purchase the Stations and “close the transaction before the close of the calendar year” remains in full force and effect, and is frustrated by the FCC’s continued inaction.

During the video conference, the FCC representatives verbally authorized Mr. Patrick and VCY to file a supplemental pleading explaining why any further delay is inconsistent with established Commission precedent. Mr. Patrick and VCY intend to file such a pleading shortly hereafter.

Mr. Patrick and VCY respectfully renew their request that the Commission promptly grant the Application and take such further action as may be just and proper.

Respectfully submitted,

W. Lawrence Patrick, Receiver

/s/ Dawn M. Sciarrino

By: Dawn M. Sciarrino
His Attorney

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VCY America, Inc.

/s/ Kathrynne C. Dickerson

By: Kathrynne C. Dickerson
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July 6, 2021

ATTACHMENT A

Participants:

Albert Shuldiner, Chief, Audio Division, Federal Communications Commission;
Christopher Clark, Assistant Division Chief, Federal Communications Commission;
Kimia Nikseresht, Audio Division Honors Attorney, Federal Communications Commission;

Dawn M. Sciarrino of Sciarrino & Shubert, PLLC, FCC Counsel to Receiver;
Rory S. Miller of Glaser Weil, Federal District Court Counsel to the Receiver;
W. Lawrence Patrick, Receiver and Assignor
Ari Meltzer and Kathyne Dickerson of Wiley Rein, LLP, FCC Counsel to VCY;

Dan Alpert, Law Office of Dan J. Alpert, FCC Counsel to Royce International Broadcasting Corporation and Silver State Broadcasting, Inc.; and
G. Scott Sobel, Law Office of G. Scott Sobel, outside counsel to Royce International Broadcasting Corporation and Silver State Broadcasting, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of June, 2021, I caused a copy of the foregoing letter to be provided by U.S. First Class Mail, postage prepaid, to:

The Law Office of Dan J. Alpert
2021 N. 21st Rd.
Arlington, VA 22201

And by electronic mail to the other participants identified on Attachment A.

/s/ Dawn Sciarrino /s
Dawn Sciarrino