

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

In the Matter of)	
)	
Chinese Voice of Golden City)	
)	Facility ID No. 194198
)	
Licensee of LPFM Station KQLS-LP)	
Las Vegas, NV)	
)	

To: Secretary
Attn.: Chief, Media Bureau

MOTION FOR STAY

I. INTRODUCTION

Chinese Voice of Golden City (“CVGC”), licensee of low power FM radio station KQLS-LP, licensed to Las Vegas, Nevada (the “Station”), by its attorneys, pursuant to Section 1.43 and 1.102(b)(2) of the Commission’s Rules, 47 CFR §§ 1.43 and 1.201(b)(2), hereby moves for a stay of the letter decision issued by the Chief, Audio Division, Media Bureau, dated November 19, 2019,¹ in which the Bureau: (1) ruled that the Station’s license expired on December 13, 2018, and (2) deleted the Station’s call sign. The Bureau then dismissed the pending Application for Modification of License² and dismissed the Station’s Request for Special Temporary Authority.³

¹ Letter from Albert Shuldiner, Chief, Audio Division, Media Bureau, November 19, 2019, (“*Letter Decision*”).

² *Id.* at 2.

³ *Id.*

CVGC is filing contemporaneously with this Motion for Stay, a Petition for Reconsideration of the *Letter Decision* (the “Petition”). CVGC has attached and hereby incorporates by reference the Petition herein.

II. STANDARD OF REVIEW

In *Rates for Interstate Inmate Calling Services*, 31 FCC Rcd. 10936 (WB 2016),⁴ the Commission set out the four parts of the test to obtain a stay: (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?⁵ Applying the Commission’s four-part test to this case demonstrates clearly that the Commission should stay the effectiveness of its *Letter Decision* and allow KQLS-LP to continue broadcasting while its Petition is pending.

III. ARGUMENT

A. CVGC is likely to prevail on the merits

In its Petition, CVGC demonstrates that the *Letter Decision* is based upon a serious factual error. The Bureau asserted that KQLS-LP is licensed at 35-11-24 N, 115-08-35 W. This is incorrect. The station in fact is licensed at: 36-11-24 N, 115-08-35 W. Thus, the Bureau’s decision is based upon a completely erroneous factual basis and must be reconsidered. Therefore, for this fact alone, CVGC is very likely to prevail on the merits of its Petition.

In its Petition, CVGC also demonstrates that, when the Bureau reconsiders its *Letter Decision* using the correct coordinates, it will also need to review the applicable rules and precedent. CVGC shows in its Petition that the Bureau’s interpretation of Section 73.875(b)(2)

⁴ The Commission follows the test set forth in *Wash. Metro. Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841 (D.C. Cir. 1977).

⁵ 31 FCC Rcd 10936, par. 9.

was inconsistent with Section 73.1690(c)(11) of the Commission's Rules. CVGC also demonstrates in its Petition that the *Letter Decision* is inconsistent with extensive Commission and Bureau precedent and is arbitrary and capricious. Thus, CVGC has demonstrated that it is likely to prevail on the merits in all aspects of its Petition.

B. CVGC will be irreparably harmed if the Stay is not granted

The *Letter Decision* ruled that CVGC's license expired as a matter of law on December 13, 2018. The *Letter Decision* then proceeded to delete the KQLS-LP call sign. This has the effect of denying KQLS-LP the authority to broadcast. Historically, the Bureau has taken many months to act on petitions for reconsideration. If KQLS-LP is illegally forced off the air for many months by the unlawful *Letter Decision* it will be virtually impossible to regain its antenna site, staffing, volunteers, listeners and donors. *See* Declaration of Chukang Jin, a director of CVGC and Operations Manager of KQLS-LP attached. Thus, if it is off the air while waiting for successful action on its Petition, KQLS-LP will be so severely harmed that it may never be able to resume broadcasting. This would be an irreparable injury, and the Stay is required to prevent it.

C. No other party will be harmed by grant of the Stay

There are no other parties in this proceeding. In addition, no change in the facilities of KQLS-LP will result from grant of the Stay or in a grant of the Petition. Thus, it is not possible for any other party to be harmed by grant of the Stay.

E. The Public Interest will be served by grant of the Stay

In its Petition, CVGC explains that KQLS-LP is providing Chinese language programming to the Chinese speaking community within its service area. Such diverse programming is the type of diversity that the Commission's licensing policies are intended to

promote. Mr. Jin points out, and the Bureau can take official notice, that pro-democracy demonstrations have been ongoing for months in Hong Kong and are expected to continue.

Declaration of Chukang Jin. This is an extremely important issue about which Chinese speaking Americans can only receive broadcast information from a Chinese language station. KQLS-LP has been covering this subject in its news broadcasts. Moreover, the only other radio station providing programming, particularly news programming, to the Chinese speaking population in the service area, has been recently on and off the air for days at a time. Mr. Jin states that station was off the air when he signed his Declaration. Currently, KQLS-LP is the only radio station providing news and information in Mandarin to the fifty-five thousand Chinese Americans in the Las Vegas area. Declaration of Chukang Jin. KQLS-LP is now the only source of news programming for the Chinese speaking population that is English language restricted. Therefore, there is a public interest benefit in allowing KQLS-LP to continue broadcasting. On the other hand, there is no public interest benefit in precluding KQLS-LP from broadcasting while its Petition is pending, particularly where there is a strong likelihood that CVGC will succeed on the merits of its Petition. Therefore, the public interest weighs heavily in favor of granting the requested Stay.

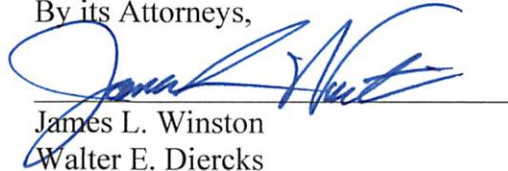
IV. CONCLUSION

The four factors to be considered in this Request for Stay all weigh in favor of granting the Stay. CVGC is likely to prevail on the merits, CVGC will be irreparably harmed if the Stay is not granted, no other party will be harmed by grant of the Stay, and the public interest will be significantly served by a grant of the Stay. Therefore, CVGC requests that the Bureau immediately grant the requested Stay.

Respectfully submitted,

CHINESE VOICE OF GOLDEN CITY

By its Attorneys,

A handwritten signature in blue ink, appearing to read "James L. Winston", is written over a horizontal line.

James L. Winston

Walter E. Diercks

RUBIN, WINSTON, DIERCKS, HARRIS
& COOKE, LLP

1250 Connecticut Avenue, N.W. Suite 700

Washington, D.C. 20036

(202) 861-0870

jwinston@rwdhc.com

December 5, 2019

Declaration of Chukang Jin

I, Chukang Jin declare as follows:

1. I am a director of and the operations manager of Chinese Voice of the Golden City, a non-profit entity, licensee of KQLS LP, Las Vegas;
2. I am and have been a resident of the city of Las Vegas, Nevada, for the last six- and one-half years;
3. I understand there are more than fifty-five thousand Chinese Americans in the Las Vegas area, many of who are English language restricted. Our mission is to provide news and informational radio programming to population;
4. I am fluent in Korean, Mandarin and recognize other spoken Chinese languages;
5. I routinely listen to Chinese language radio news programs available in the Las Vegas area. There are only two radio broadcast stations in the Las Vegas area that broadcast Chinese language news programs: KQLS LP, 103.1 and KADD FM, 93.5;
6. There are daily historic pro-democracy demonstrations in Hong Kong that have been ongoing for months and that continue today and are expected to continue. Over the last several weeks, KADD FM has been on and off the air for days at a time. As of today, there is no useable broadcast signal from KADD, other than the sound of static. Currently, KQLS LP is the only radio station providing news and information in Mandarin to Chinese Americans in Las Vegas, including news regarding the Hong Kong demonstrations.
7. If KQLS LP has to cease broadcasting before it can exhaust its administrative and judicial appeals of the Commission's cancellation of its broadcast license, there will be a loss of the antenna site, staffing, volunteers, listeners and donors and we will be unable to recover from these losses. The station will die.

I declare under penalty of perjury that the foregoing is true.

December 3, 2019



Signature