

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

MOTION FOR LEAVE TO FILE OUT OF TIME

Silver State Broadcasting, LLC (SSB), licensee of FM Translator Station K284CW, Winchester, Nevada, hereby respectfully submits this Motion for Leave to File Out of Time": (1) an Opposition to the December 5, 2019 "Petition for Reconsideration" filed by Chinese Voice of Golden City ("CVGC"), the former licensee of Low Power FM Station KQLS-LP, 103.1 MHz, Las Vegas, Nevada; and (2) an Opposition to a "Motion for Stay" also filed December 5, 2019 filed by CVGC. In support whereof, the following is shown:

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. SSB electronically filed with the FCC a Form 2100 (formerly known as Form 349) application seeking this change to its facilities on December 17, 2019, File No. 0000093597, filed December 17, 2019. CVGC's Petition for Reconsideration directly impacts the grantability of SSB's application.

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". No petition for reconsideration or other pleading showed up in the CDBS database; likewise, none of the "Pleadings" public notices released between December 5, 2019 and today (January 2, 2020) (Report Nos. PN-3-101205-01 through PN-3-200102-01 inclusive) gave the general public fair notice that CVGC had filed a petition for reconsideration.

4. The undersigned did not become aware that CVGC had filed its Petition for Reconsideration until December 26, 2019, the first

business day after December 23, 2019, upon making an inquiry to the Audio Division staff.

5. Today is the tenth calendar day subsequent to December 23, 2019, which would have been the time allowed by both Section 1.106(g) of the Commission's Rules (for an Opposition to a Petition for Reconsideration) and 1.45(b) (for the Motion for Stay) had these pleadings been filed on the last day provided by Section 1.106(f). Thus, no material delay or prejudice can result from the consideration of SSB's pleadings on their respective merits. In fact, because SSB needs an expedited ruling on the matters raised by CVGC in order that it can resolve the interference complaint raised by KJUL, SSB is also filing a Petition for Expedited Action today.

6. The Commission has granted the relief requested by SSB herein where it is shown that the moving party had no opportunity to respond to the first filed pleading within the time period specified by the rules. **William L. Zawila**, FCC 19-136, 34 FCC Rcd --, 2019 WL 7281871, ¶¶12-13 (2019). One can't file a response to a pleading one didn't know existed. Fundamental fairness requires the Commission to consider SSB's accompanying "Opposition to Petition for Reconsideration" and "Opposition to Motion for Stay" on their respective merits.

WHEREFORE, it is urged that the instant Motion for Leave to File Out of Time **BE GRANTED** and that the accompanying Opposition to Petition for Reconsideration and Opposition to Motion to Stay **BE CONSIDERED ON THEIR MERITS**.

Respectfully submitted,

SILVER STATE BROADCASTING, LLC

A handwritten signature in black ink, appearing to read "D. Kelly", written over a horizontal line.

By _____
Dennis J. Kelly
Its Attorney

LAW OFFICE OF DENNIS J. KELLY
Post Office Box 41177
Washington, DC 20018
Telephone: 202-293-2300
E-mail: dkellyfcclaw1@comcast.net

DATED AND FILED: January 2, 2020



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.	Voluntary Assignment of License
	E	92.3 MHZ	GA , MARIETTA	From: IMMANUEL BROADCASTING NETWORK, INC.
				To: EDUCATIONAL MEDIA FOUNDATION
				Form 345

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

LOW POWER FM APPLICATIONS FOR LICENSE TO COVER LICENSE CANCELLED

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

EXHIBIT A

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing "Motion for Leave to File Out of Time" 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:

James L. Winston, Esquire
Walter E. Diercks, Esquire
Rubin, Winston, Diercks, Harris
& Cooke, LLP
1250 Connecticut Avenue, NW, Suite 700
Washington, DC 20036
jwinston@rwdhc.com
wdiercks@rwdhc.com
Counsel for Chinese Voice of Golden City



Dennis J. Kelly