

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

In re	)	
	)	
<b>CHINESE VOICE OF GOLDEN CITY</b>	)	File No. BLL-20171120AAB
<b>DKQLS-LP, Las Vegas, Nevada</b>	)	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

**PETITION FOR EXPEDITED ACTION**

Silver State Broadcasting, LLC (SSB), licensee of FM Translator Station K284CW, Winchester, Nevada, hereby respectfully submits this Petition for Expedited Action with respect 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, together with SSB's "Opposition to Petition for Reconsideration" and "Motion for Leave to File Out of Time" which have been filed today, January 2, 2020. In support whereof, the following is shown:

1.     SSB's interest in the above-captioned matter 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

Summit American, Inc. (SAI), the licensee of FM Broadcast Station KJUL, 104.7 MHz, Moapa Valley, Nevada. SSB and SAI received a letter from the FCC's Audio Division dated December 9, 2019 (attached hereto as Exhibit A). By that letter, the Audio Division directed SSB:

1. Within thirty days of this letter, Silver State must file:
  - a plan to resolve the interference; or
  - evidence that Summit has not submitted a valid and complete interference claim package.
2. Within sixty days of submitting a remediation plan, if one has been submitted, Silver State must file the jointly agreed upon interference testing results, or the testing results of the parties mutually agreed upon an independent engineer; or the results from its remediation with the unilateral testing results will be considered. Upon receipt, we will review said information to determine if the interference has been resolved

2. When SSB learned of the FCC's letter ruling of November 19, 2019 that the license of Low Power FM Station KQLS-FM had expired, SSB engaged its consulting engineer Kevin Youngers to prepare an appropriate application for its K284CW to change channel to 103.1 MHz. 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. 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 its Petition for Reconsideration 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 Section 1.106(g) of the Commission's Rules, so no material delay or prejudice can result from the consideration of this pleading on its merits.

6. Because the former licensee of KQLS has no colorable probability of success on the merits of its Petition for

Reconsideration (for reasons set out in SSB's Opposition to Petition for Reconsideration), and because of the short amount of time the Audio Division has allowed for the resolution of the KJUL/K284CW interference controversy, the public interest, convenience and necessity calls out for Expedited Action to be taken with respect to the KQLS-LP and K284CW applications and pleadings.

**WHEREFORE**, it is urged that the instant Petition for Expedited  
Action **BE GRANTED**.

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

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DATED AND FILED: January 2, 2020



Federal Communications Commission  
Washington, D.C. 20554

December 9, 2019

*In Reply Refer to:*  
1800B3-KV

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c/o Shelley Sadowsky, Esq.  
Shelley Sadowsky, LLC  
5938 Dorchester Way  
Rockville, MD 20852

Silver State Broadcasting, LLC  
c/o Dennis J. Kelly, Esq.  
Law Office of Dennis J. Kelly  
PO Box 41177  
Washington, DC 20018

In Re: K284CW, Winchester, NV  
Silver State Broadcasting, LLC  
File Nos. BLFT-20190415ABG and BPFT-  
20190520AAZ  
Facility ID No. 203222

**Interference Complaint – Response Required**

Dear Counsel:

This letter refers to Summit American, Inc.'s (Summit or Complaining Station)<sup>1</sup> allegations of harmful interference caused by FM Translator Station K284CW, Winchester, Nevada (K284CW or Station).<sup>2</sup> As detailed below, Summit filed interference complaints on June 3, 2019, and June 13, 2019, which it supplemented on October 16, 2019.

**Background. License.** On April 29, 2019, the Media Bureau (Bureau) granted Silver State's referenced license application (License),<sup>3</sup> which was uncontested. Thereafter, Summit alleged that K284CW was causing harmful interference to KJUL(FM). Specifically, the parties filed the following pleadings: (1) a "Petition for Expedited Reconsideration" (License Complaint) filed on June 3, 2019, by

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<sup>1</sup> Summit is the licensee of station KJUL(FM), Moapa Valley, Nevada.

<sup>2</sup> K284CW is licensed to Silver State Broadcasting, LLC (Silver State).

<sup>3</sup> The License covered a modified construction permit for new translator station operating on Channel 284, with 1 watt effective radiated power (ERP) at Winchester, Nevada. See File Nos. BNPFT-20180131AHV and BNPFT-20180502ACM, both granted on June 8, 2018.

Summit; (2) an “Opposition to Petition for Expedited Reconsideration” filed on June 18, 2019, by Silver State (License Complaint Opposition); and (3) a “Reply to Opposition to Petition for Expedited Reconsideration” (License Complaint Reply) filed on June 28, 2019, by Summit.

**June 2019 Permit.** On June 5, 2019, the Bureau granted Silver State’s referenced application for minor modification, as amended, (June 2019 Permit) to increase K284CW’s ERP from 1 to 10 watts at the licensed site. Later that same day Silver State filed an application to cover the June 2019 Permit, which is currently pending.<sup>4</sup> Thereafter, Summit alleged that the June 2019 Permit exacerbated the interference to KJUL(FM). Specifically, the parties filed the following pleadings: (1) a “Petition for Expedited Reconsideration” (Permit Complaint) filed on June 13, 2019, by Summit; (2) a “Motion for Leave to File An Opposition Pleading Out of Time” (Permit Motion) filed on July 5, 2019, by Silver State; (3) an “Opposition to Petition for Expedited Reconsideration” (Permit Complaint Opposition) filed on July 5, 2019, by Silver State; and (4) a “Reply to Late-Filed Opposition to Petition for Expedited Reconsideration” (Permit Complaint Reply) filed on July 15, 2019, by Summit.<sup>5</sup>

*Discussion.* Recently, the Commission adopted certain changes to the FCC’s rules (Rules) relating to the translator interference complaint resolution process.<sup>6</sup> In the *Translator Interference Order*, the Commission stated that all then remaining unadjudicated complaints would be decided under the new Rules once they became effective.<sup>7</sup>

In anticipation of the new Rules, Summit stated, in the Complaints, that per Table 1 of 47 CFR § 74.1203 of the Rules,<sup>8</sup> it is required to submit a minimum of 6 rule-compliant listener complaints.<sup>9</sup> Summit submitted 18 listener complaints which purportedly comply with the current Rules.<sup>10</sup>

On September 17, 2019, the Bureau notified Summit that certain additional information was needed to continue processing the Complaints under the new Rules.<sup>11</sup> Specifically, the Bureau cited Summit’s failure to demonstrate that it had attempted private resolution of the interference.<sup>12</sup>

On October 16, 2019, Summit filed a “Supplement-Declaration of Scott Gentry, President of Summit American, Inc.” (Supplement) detailing its efforts to reach a private resolution of the interference Silver State.

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<sup>4</sup> See File No. BLFT-20190605ACH.

<sup>5</sup> Collectively, the License Complaint, Permit Complaint, License Petition Reply and the Permit Reply will be referred to as the Complaints.

<sup>6</sup> See *Amendment of Part 74 of the Commission’s Rules Regarding FM Translator Interference*, Report and Order, 34 FCC Rcd 3457 (2019) (*Translator Interference Order*).

<sup>7</sup> *Id.* at 3482, para 49.

<sup>8</sup> 47 CFR § 74.1203.

<sup>9</sup> Summit states that the population within KJUL(FM)’s 60 dbu contour is 29,181. Technical Statement at 2, License Complaint and Technical Statement at 2, Permit Complaint.

<sup>10</sup> Specifically, in the License Complaint, the following listeners submitted complaints: Bonnie Perelman; Joleen Classens; David Turner (D. Turner); Kristine Turner (K. Turner); Caroline Meiers; Paul B. Jacobs (Paul Jacobs); Patricia Jacobs (Patricia Jacobs); Michelle Nakama; Lorelee Lago; Richard E. Cannon; Lisa Pugh; Delores Herron; Douglas K. Johanson; Gloria DeMassi; Tracey S. Hattes; Sharon O’Diam; Robert J. Pettit; and Michael Squitieri. Collectively, these listeners will be referred to as the Original Complainants. Summit resubmitted the Original Complainants along with information from other listeners in the Permit Complaint.

<sup>11</sup> See Letter from James D. Bradshaw, Senior Deputy Chief, Audio Division, Media Bureau to Summit American, Inc. (dated Sep. 17, 2019) (*Bureau Letter*).

<sup>12</sup> *Id.* at 3.

Based on our review of the Supplement and the Complaints, we conclude that Summit has submitted a valid and complete interference claim package. In particular, we find that Summit has submitted more than the required 6 rule-compliant listener complaints<sup>13</sup> along with the necessary engineering showings.

Accordingly, Silver State is required to remediate the interference as set forth in the timeline below:<sup>14</sup>

1. **Within thirty days of this letter**, Silver State must file:
  - a plan to resolve the interference;<sup>15</sup> or
  - evidence that Summit has not submitted a valid and complete interference claim package.<sup>16</sup>
2. **Within sixty days of submitting a remediation plan**, if one has been submitted, Silver State must file the **jointly** agreed upon interference testing results, or the testing results of the parties mutually agreed upon an independent engineer; or the results from its remediation with the Original Complainants if said listeners elect to participate in the remediation process. No

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<sup>13</sup> A listener complaint is considered to have a clear, concise, and accurate interference location if at least one such location is provided. *Translator Interference Order*, 34 FCC Rcd at 3466, n.65. For example, if a listener complains of interference both at home and while driving downtown, then the complaint would be found acceptable based on the listener's home location (provided the address is listed in contact information) even though the driving location would not qualify. Of the Original Complainants, we find all to have submitted acceptable complaints. We further note that although 4 listeners (D. Turner and K. Turner; and Paul Jacobs and Patricia Jacobs) share the same home address this is not determinative because Summit has submitted well over the required 6 listener complaints.

<sup>14</sup> See *Translator Interference Order*, 34 FCC Rcd at 3468-3469, para. 21. ("[T]he staff will direct the complainant station to serve the translator operator with a non-redacted copy of the relevant listener complaints so that the translator operator can verify the basic elements of the complaint, such as the existence of the complainant, current residence at the given address, etc."). Normally, we would impose a requirement that Summit serve the complaints on Silver State, however, Summit has already served Silver State with the Supplement, thus rendering it unnecessary to impose that condition.

<sup>15</sup> In the *Translator Interference Order*, the Commission declared that acceptable plans include: 1) relocating to an available same-band FM channel; 2) working with willing listener complainants; or 3) working with the complaining station. Regarding direct listener remediation, if the listener agrees to allow the translator station to adjust or replace receiver equipment to address interference, the translator station "must document and certify that the desired station can now be heard on the listener's receiver. . . ." *Translator Order*, 34 FCC Rcd at 3472, para. 30. If, however, the listener's equipment is not the cause, or the listener declines to participate in the remediation process, then "the translator operator and the complaining station must work together to resolve the interference complaint using suitable techniques . . . ." *Id.* at 3473, para. 32. The "lack of interference can be demonstrated by on-off tests and/or field strength measurements at the relevant site, provided they take place in a manner *acceptable to both parties*." *Id.* at 3474, para. 33 (emphasis added). If, however, "the parties fail to agree upon appropriate methods and technical parameters to be used for interference testing at a particular site or sites, the parties should engage a mutually acceptable third party engineer to observe or carry out the testing." *Id.*

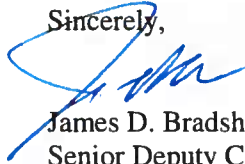
<sup>16</sup> Silver State has "the burden of rebutting the presumption of validity of each complaint . . . ." *Id.* at 3468-3469, para. 21. In addition, the following activities are not evidence of an invalid listener complaint: "(1) social media connections [with the station] . . . ; (2) membership in listener clubs or participation in station-run promotions, contests, and events; (3) charitable donations to the station . . . and (4) time contributed volunteering at a station or at a station-run event, so long as the volunteer does not hold a regular position at the station comparable to a station employee." *Id.* at 3467, para. 19 (footnotes omitted). However, "advertisers are deemed to have a financial interest in the station, as are underwriters . . . ." *Id.*



unilateral testing results will be considered.<sup>17</sup> Upon receipt, we will review said information to determine if the interference has been resolved.

We will withhold further action on the parties' filings during the interference remediation timeline as set forth above. Failure to comply with the remediation timeline may result in K284CW being ordered to cease operations.

Sincerely,



James D. Bradshaw  
Senior Deputy Chief  
Audio Division  
Media Bureau

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<sup>17</sup> The Commission opined that “[a]t any point in the process the parties may also agree that interference has been resolved using any mutually acceptable means; however, any contested data may not be unilaterally presented . . . as a remediation showing (or to dispute a remediation showing).” *Translator Interference Order*, 34 FCC Rcd at 3474, para. 33.

## **CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing "Petition for Expedited Action" has been served by both e-mail and first-class United States mail, postage prepaid, on this 2<sup>nd</sup> day of January, 2020 upon the following:

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Dennis J. Kelly