



Federal Communications Commission
Washington, D.C. 20554

November 19, 2019

In reply refer to: 1800B3-VM

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Chinese Voice of Golden City
2801 South Valley View Blvd.
Suite 5E
Las Vegas NV 89102

In re: KQLS-LP, Las Vegas, NV
Facility ID No. 194198

**Notification of License Expiration and
Deletion of Call Letters**

Dear Licensee:

Our records indicate that Station KQLS-LP, Las Vegas, Nevada (Station), licensed to Chinese Voice of Golden City (CVGC) has been operating from an unauthorized site since December 12, 2017.¹ On August 9, 2019, CVGC filed an Application for Modification of License (Application) with an exhibit stating:

Correction of Coordinates. The Licensee has recently determined that the coordinates included in its license application were in error by 256 feet. The correct coordinates are: 36-11-21.6 N, 115-08-36.1 W.²

Our records show that the licensed coordinates are: 35-11-24 N, 115-08-35.³ Pursuant to section 73.875 (b)(2) of the Commission's rules, any change in station geographic coordinates, including coordinate corrections and any move of the antenna to another tower structure located at the same coordinates, can only be made after the grant of a construction permit application on FCC Form 318.⁴ expiration pursuant to section 312 (g) of the Communications Act of 1934, as amended (Act). CVGC improperly requested to make the coordinate change on an application for modification of license, and in the process of doing so, admitted to operating at an unauthorized site for over a year.

Section 312(g) of the Communications Act of 1934, as amended (Act), provides that "[i]f a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate the such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness."⁵ Well-established Commission precedent dictates that licensees cannot avoid the statutory

¹ See File No. BLL-20171120AAB.

² See File No. BMLL-20190809AAL, Exh. 5.

³ See File No. BLL-20171120AAB.

⁴ See 47 CFR § 73.875(b)(2).

⁵ 47 U.S.C. § 312(g). The Commission conducts a case-by-case factual analysis to determine whether reinstatement would "promote equity and fairness." *Id.* The Commission has exercised this statutory discretion only when the

deadline set forth in Section 312(g) through the use of unauthorized facilities.⁶ Thus, a station is subject to Section 312(g)'s license expiration provision if: (a) the station fails to operate for twelve consecutive months or longer; (b) the station operates with unauthorized facilities for such a period; or (c) a combination of the prior two situations occurs for such a period.⁷

Based on the admission in the Application, we find that the Station's license has expired pursuant to this provision of the Act. We also find that the facts of this case do not support reinstatement of the license to promote fairness and equity.⁸

Accordingly, the Commission's public and internal databases have been modified to indicate that the broadcast license for the Station⁹ EXPIRED as a matter of law, at 12:01 a.m. on December 13, 2018, and we HEREBY DELETE the Station's call sign KQLS-LP. The application for modification of license filed on August 9, 2019, IS DISMISSED.¹⁰ The request for Special Temporary Authority filed on October 22, 2019, IS DISMISSED.

Finally, we note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the Station's tower be maintained until the tower is dismantled. Accordingly, the owner of the tower where the Station's transmitting antenna is located is required, pursuant to Section 303(q) of the Act, to maintain the tower in the manner prescribed by our rules and the terms of the cancelled license.¹¹

If you have any questions concerning the content of this letter, please contact Victoria McCauley, Attorney, by phone (202-418-2136), or e-mail (victoria.mccauley@fcc.gov).

Sincerely,



Albert Shuldiner
Chief, Audio Division
Media Bureau

cc: James Winston, Esq.

failure to timely resume broadcasts was for a compelling reason beyond the licensee's control. *See, e.g., V.I. Stereo Comm'n Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 14259 (2006) (destruction of towers in hurricane and damage to rebuilt tower in subsequent hurricane); *Harry Martin, Esq.*, Letter Order, 23 FCC Rcd 15012 (MB 2008) (licensee completed all steps to resume broadcasts but remained silent to promote air safety due to Federal Aviation Administration error for which licensee was not responsible); *Mark Chapman, Court-Appointed Agent*, Letter Order, 22 FCC Rcd 6578 (MB 2007) (silence to comply with court order).

⁶ *See Eagle Broad. Group, Ltd.*, 563 F.3d 543, 553 (D.C. Cir. 2009) ("Under the statute, unauthorized and unlicensed transmissions are no better than silence"); *see also James McCluskey*, Letter Order, 27 FCC Rcd 6252, 6254-55 (MB 2012) ("an unauthorized transmission counts for nothing").

⁷ *Id.*

⁸ *See* note 5.

⁹ File No. BLL-20171120AAB.

¹⁰ File No. BMLL-20190809AAL.

¹¹ *See* 47 U.S.C. §303(q). *See also* 47 CFR §§ 17.1 *et seq.* and 73.1213; *Streamlining the Commission's Antenna Structure Clearance Procedure*, WT Docket No. 95-5, 11 FCC Rcd 4272 (1995).