

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

In re	)	
	)	
GLR Southern California, LLC	)	
	)	
Application for Extension of Special Temporary	)	File No. 325-STA-20180710-00002
Authority For Delivery of Programming to	)	
Mexican Station XEWW-AM,	)	
Rosarita, Baja California Norte, Mexico	)	
	)	
	)	

To: Office of the Secretary  
Attn.: Chief, International Bureau

**REPLY TO OPPOSITION TO SPECIAL TEMPORARY AUTHORITY  
EXTENSION**

GLR Southern California, LLC ("GLR") and its parent company, H&H Group USA LLC ("H&H"), by their attorneys, hereby reply to the Opposition to Special Temporary Authority ("STA") Extension ("Opposition") filed by Chinese Sound of Oriental and West Heritage ("Chinese Sound") on January 29, 2019.<sup>1</sup>

**I. INTRODUCTION AND SUMMARY.**

Chinese Sound opposes the extension of the existing STA that the Commission granted GLR on July 24, 2018 to deliver cross-border transmissions of broadcast programs to Mexican station XEWW(AM), Rosarita, Baja California.<sup>2</sup> In the Opposition, Chinese Sound fails to provide any evidence suggesting that the programming delivered by GLR to XEWW is not

---

<sup>1</sup> See Opposition to Special Temporary Authority Extension of Chinese Sound of Oriental and West Heritage, File No. 325-STA-20180710-00002 (filed Jan. 29, 2019) ("Opposition").

<sup>2</sup> See Application for Special Temporary Authority of GLR, File No. 325-STA-20180710-00002 (filed July 10, 2018), Public Notice, *Permit to Deliver Programs to Foreign Broadcast Stations*, Report No. 325-00215 (rel. July 24, 2018) ("Initial STA").

serving the public interest, or otherwise violates the Commission's rules. Instead, Chinese Sound merely rehashes old arguments against the pending *Application for Permit to Deliver Programs to Foreign Broadcast Stations* ("Application")<sup>3</sup>, and raises an untimely objection to the grant of the Initial STA to GLR. Grant of Chinese Sound's Opposition would upset the settled expectations of the parties and listeners to XEWW based on grossly untimely procedural arguments and other unsupported allegations.

The Commission must recognize the Opposition for what it is – another attempt to delay the pending Application by obfuscating the issues through filing baseless pleadings. As GLR has previously stated, an opponent does not receive unlimited chances to continue to raise concerns in order to delay processing of an application. Thus, as set forth in more detail below, the Opposition must be rejected, and the Initial STA should accordingly be extended until the Commission completes its review of the pending application.

## **II. CHINESE SOUND PROVIDES NO REASON TO DENY THE STA EXTENSION.**

Chinese Sound first argues that the Initial STA which GLR seeks to extend was improperly granted. This argument is nothing but an untimely petition for reconsideration of the grant of the Initial STA. The Initial STA, granted in July, has been in place for over six months. See, *FCC File No. 325-NEW-20180614-00001* (filed June 14, 2018).<sup>4</sup> Pursuant to statute and Commission rules, if Chinese Sound wanted to suggest that the Initial STA was improperly granted, it had 30 days in which to file a petition for reconsideration, asking that the action be undone.<sup>5</sup> Instead, Chinese Sound is now raises these procedural issues, even though the grant of

---

<sup>3</sup> See, *FCC File No. 325-NEW-20180614-00001* (filed June 14, 2018).

<sup>4</sup> See Initial STA.

<sup>5</sup> See 47 USC §405; 47 C.F.R. § 1.106; see also, e.g., *KGTL(AM), Homer, AK, Facility ID No. 52152, et al.*, Letter, FCC Rcd 6786, 6794 n. 54 (2017) (dismissing some arguments made because they sought

the Initial STA long ago became final, and is no longer subject to review, reconsideration, or appeal. Thus, the time has passed for these arguments to be considered. Thus, these procedural arguments in the Opposition relating to the grant of the Initial STA must be rejected as they are nothing but a grossly untimely petition for reconsideration of the grant of the Initial STA, and therefore are not properly considered in connection with the consideration of the application now before the Commission.<sup>6</sup>

Moreover, Chinese Sound's suggestion that STAs are only to be granted for special events not of a continuing nature is not supported by precedent. For support of its argument, it cites a 1994 case,<sup>7</sup> where Fox Television Stations, Inc. ("Fox") requested an STA to transmit NFL football games to three Mexican television stations. But Chinese Sound ignores subsequent history in the same case, where the Court of Appeals recognized that Fox was granted an STA because of the likely delays in the timely grant of the Section 325.<sup>8</sup> Further, the Commission, after the case was remanded, extended Fox's STA while the remand was being considered to allow Fox to deliver all the Fox programming that Fox delivered to its affiliates to the Mexican station while the Section 325 application was being considered, not in any way limiting it to

---

untimely reconsideration of a Commission decision and should have been included in a petition for reconsideration filed within 30 days of the initial decision); *Public Media of New England, Inc.; Application for a New LPFM Station at Haverhill, Massachusetts*, Memorandum Opinion and Order, 30 FCC Rcd 14922, 14924 (2015) (finding a Petition for Review was essentially an untimely and defunct petition for reconsideration, and reminding the public that the Commission "generally lacks the authority to extend or waive the 30-day statutory filing period for petitions for reconsideration").

<sup>6</sup> It should also be noted that Chinese Sound has had more than ample opportunity to raise any issues that it wanted about the operation of GLR pursuant to the Initial STA and as detailed below, has raised no legally cognizable issue about such operations. Thus, there is no substantive reason for the Commission to reexamine the grant of the Initial STA.

<sup>7</sup> Opposition at 5-6 (citing *Molly Pauker*, 9 FCC Rcd 4394 (MB 1994)).

<sup>8</sup> *Channel 51 of San Diego, Inc. v. Federal Communications Commission*, 79 F3d. 1187 (D.C. Cir. 1996).

football programming.<sup>9</sup> The programming was delivered in real time – “live” as it was delivered to the affiliates – just as the programming delivered by GLR is delivered in real time, addressing the events of the day including traffic, weather and other current information.

Since the Fox decision, STAs have routinely been granted to applicants seeking permanent Section 325 authorizations to provide a full schedule of programming while their applications for permanent authority are being processed (including one noted in a Commission Public Notice as recently as this week).<sup>10</sup> There is no reason to depart from that precedent here, particularly since Chinese Sound could have raised this argument when the Initial STA was granted more than six months ago, before parties committed resources to the station and before audiences began listening to the programming. For these reasons, this untimely request to reconsider the grant of the Initial STA must be rejected, and this argument against the grant of the STA extension denied.<sup>11</sup>

### **III. THE CONTINUED OPERATION OF XEWW(AM) WILL NOT CAUSE INTERFERENCE, NOR WILL IT RAISE U.S. NATIONAL SECURITY ISSUES.**

Chinese Sound also argues that grant of the STA extension will cause interference to U.S. stations, and that it will imperil the security of the United States by providing a platform for

---

<sup>9</sup> *Application of Fox Television Stations, Inc. For a Permit to Transmit Program Material to Mexican television station XETV, Tijuana, Mexico*, 11 FCC Rcd 14870 at ¶ 23 (1996).

<sup>10</sup> *See, e.g., Uniradio Corp.*, 27 FCC Rcd 2337 (2012); Public Notice, *Permit to Deliver Programs to Foreign Broadcast Stations*, Report No. 325-00143 (rel. Jan. 6, 2010); Public Notice, *Permit to Deliver Programs to Foreign Broadcast Stations*, Report No. 325-00146 (rel. May 4, 2010); Public Notice, *Permit to Deliver Programs to Foreign Broadcast Stations*, Report No. 325-00217 (rel. Feb. 6, 2019).

<sup>11</sup> In passing, Chinese Sound raises the issue as to whether the Initial STA should have been applied for in the name of H&H, the parent company of GLR. As GLR holds the rights to physical assets of the Mexican station, and the contractual rights to deliver programming to XEWW(AM), the Initial STA was properly granted to GLR. Chinese Sound makes no substantive allegations supporting its argument that the grant to GLR was improper.

Chinese interests to undermine U.S. national interests. These arguments were raised previously by Chinese Sound, and shown by GLR to have no merit.<sup>12</sup>

The interference argument is unfounded, as shown at pages 17 to 18 of GLR's Response to Unauthorized Filings, submitted in reply to the untimely "Supplement" and "Reply" filed by Chinese Sound on September 4 and 11, 2018.<sup>13</sup> GLR is not proposing any changes to the existing facilities of XEWW, which were approved long before the station began to broadcast Chinese language programming. The existing facilities of XEWW have been in place for some time and have been approved in previous Section 325 applications. None of the stations to which Chinese Sound suggests that interference will be caused have objected. In short, because the Application proposes no technical changes, and XEWW will be operating regardless of whether the Application is granted, the claim by Chinese Sound is baseless.

The argument that the grant of the GLR application will somehow imperil U.S. security is also unavailing. GLR has demonstrated in great detail that it is primarily providing Chinese-language music and entertainment programming.<sup>14</sup> The programming is not propaganda, nor is it provided by the Chinese government. It is commercial programming provided in conjunction with a publically-traded commercial Hong Kong-based company<sup>15</sup> that already provides significant television programming to U.S. multichannel video programming distributor

---

<sup>12</sup> See, e.g. Opposition to Petition to Deny of GLR Southern California and H&H Group, File No. 325NEW-20180614-00001 (filed Aug. 29, 2018) ("GLR Opposition"); see also Response to Unauthorized Filings of GLR Southern California, File No. 325NEW-20180614-00001, at 7-12 (filed Sept. 24, 2018) ("Response").

<sup>13</sup> Response at 17-18 (explaining that "Chinese Sound has no standing to argue on behalf of [other] stations, its claims are untimely, and they substantively fail.").

<sup>14</sup> See Response at 6, 12.

<sup>15</sup> See Response at 8 n. 28 ("The majority of Phoenix HK's shares are owned by shareholders that have no known linkage to the Government of the People's Republic of China or to the Chinese Communist Party.").

audiences. If the programming was truly a security risk, one would assume that Chinese Sound would be able to identify examples of the propaganda that has been broadcast over the last six months. It has not. Instead, Chinese Sound has simply stereotyped the programming by effectively claiming that as the programming is in Chinese it must therefore have been controlled by the Chinese government. It has not provided any credible evidence to support its suggestion that the programming delivered to the station is in any way detrimental to the public interest. Its conclusory allegations, including its repeated citation of studies on Chinese propaganda without providing any link to the programming carried on the station, must be rejected by the Commission.

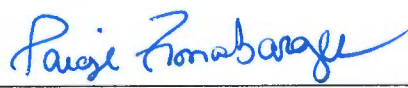
#### IV. CONCLUSION

In short, the Opposition represents a baseless attempt by Chinese Sound to prevent competition in the Chinese-language broadcast marketplace. The filing represents yet another attempt to bury the Commission in paper, and waste the Commission's time and resources, in the hope of catching attention and delaying grant of the Application. GLR has demonstrated in numerous pleadings that there are simply no grounds to deny its Section 325 application.<sup>16</sup> The untimely Opposition must be rejected, and the STA extended.

Respectfully submitted,

**GLR SOUTHERN CALIFORNIA, LLC**

Wilkinson Barker Knauer, LLP  
1800 M Street, N.W., Suite 800N  
Washington, D.C. 20036  
(202) 783-4141

By:   
Paige Fronabarger  
David Oxenford

Dated: February 8, 2019

*Its Attorneys*

---

<sup>16</sup> See, e.g., GLR Opposition; Response.

**CERTIFICATE OF SERVICE**

I, Rhea Lytle, a legal secretary with the law firm of Wilkinson Barker Knauer, LLP, hereby certify that on this 8<sup>th</sup> day of February, 2019, I served copies of the foregoing "Reply To Opposition to Special Temporary Authority Extension" on the following via first-class United States mail, postage prepaid:

Reid Avett  
Duane Morris, LLP  
505 9<sup>th</sup> Street, N.W., Suite 1000  
Washington, D.C. 20004-2166

James L. Winston  
Rubin, Winston, Diercks, Harris & Cooke, LLP  
1201 Connecticut Avenue, N.W., Suite 200  
Washington, D.C. 20036

Brandon Moss\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Janice Shields\*  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

\*Via Email

  
\_\_\_\_\_  
Rhea Lytle