

Received & Inspected

AUG 28 2017

FCC Mailroom

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

AUG 31 P 2:55

In re Application of)	
)	
San Tan Educational Media)	File No. BLL-20170710AAT
)	Fac. ID No. 192016
For License to Cover)	
of LPFM Station)	
KFXV-LP Mesa, AZ)	

To: Office of the Secretary

OPPOSITION TO REQUEST FOR EXTENSION OF TIME

1TV.com, Inc., licensee of Station KBSZ(AM) Apache Junction, AZ ("KBSZ"), by its attorney, hereby Opposes the August 21, 2017, request filed by San Tan Educational Media ("STEM") requesting a ten day extension of time to reply to KBSZ's August 9, 2017, Petition for Reconsideration filed in the above-captioned matter. In support thereof the following is shown:

Section 1.106(g) of the Commission's rules states "Oppositions to a petition for reconsideration shall be filed within 10 days after the petition is filed." Section 1.46(a) of the rules states "[i]t is the policy of the Commission that extensions of time shall not be routinely granted." Section 1.46 (c) of the rules states that when the request for extension of time "is filed less than 7 days prior to the filing day, the party filing the motion shall (in addition to serving the motion on other parties) *orally notify* other parties and Commission staff personnel responsible for acting on the motion that the motion has been (or is being) filed." (emphasis supplied)

An applicant requesting waiver of a Commission rule must plead with particularity the facts and circumstances that warrant such action. Waiver of the Commission's policies or rules is appropriate only if both: (i) special circumstances warrant a deviation from the general rule; and (ii) such deviation will serve the public interest. See, e.g. Columbia Communications Corp. v.

FCC, 832 F.2d 189, 192 (D.C. Cir. 1987).

While never specifically identifying any particular FCC rule or requesting waiver thereof, STEM seemingly seeks a waiver of Section 1.106(g) and 1.46(a) of the Commission's rule. To that end, STEM's August 21, 2017, substantive justification for the requested extension of time states in its totality as follows:

“SAN TAN EDUCATIONAL MEDIA REQUESTS AN EXTENSION OF 10 DAYS TO PREPARE OUR OPPOSITION.”

This request is filed fewer than 7 days prior to the statutory filing date. Assuming *arguendo* that STEM orally notified Commission staff as required by Section 1.46(c) of the rules, STEM violated Section 1.46(c) by notifying KBSZ counsel by email rather than “orally” as stipulated in the rule. Further, STEM's extension request never mentions the word “waiver”, fails to cite any rule or policy for which it seeks waiver, and states merely that it requires additional time to “prepare our opposition.”

STEM utterly fails to plead with particularity any “facts and circumstances that warrant” waiver of the rules, fails to advance any “special circumstances” that would warrant waiver of Sections 1.106(g) or 1.46(a) of the rules, and fails to show how such waiver will “serve the public interest.” Having failed to satisfy Commission rules and meet basic pleading requirements, STEM's request for extension of time must be denied. See, e.g. Christian Family Network, Inc., 31 FCC Rcd 2459, parag. 5, (2016) (rule waiver denied for failure to cite any rule or policy for which it seeks waiver and failure to demonstrate “special circumstances” that would warrant waiver.)

This is not the first time that STEM has failed to follow Commission rules. KBSZ's Petition for Reconsideration outlines STEM's multiple violations of Commission rules. A

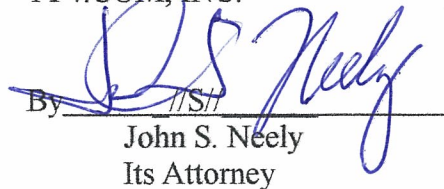
separate pleading which KBSZ filed with the Enforcement Bureau outlines STEM's further violations of laws and rules governing underwriting announcements by a noncommercial educational broadcast station.

CONCLUSION

Based on the foregoing, STEM's request for extension of time should be denied.

Respectfully Submitted,

1TV.COM, INC.

By  /s/ John S. Neely
Its Attorney

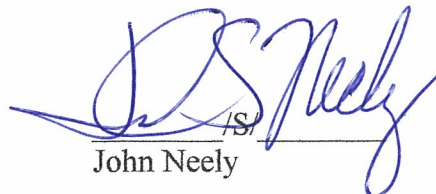
August 25, 2017

Miller and Neely, P.C.
3750 University Blvd. W.
Suite 203
Kensington, MD 20895
301-933-6304

CERTIFICATE OF SERVICE

I certify that on August 25, 2017, a copy of the foregoing document was placed in the United States mail, first class postage prepaid, addressed to the following:

San Tan Educational Media
Suite 102-116
550 W. Baseline Road
Mesa, AZ 85210

 /s/ John Neely