

2019 NOV 19 PM 2:32

Before the
Federal Communications Commission

Washington, D.C. 20554

In the Matter of

ENTRAVISION HOLDINGS, LLC

For Construction Permit
KDVA(FM), Buckeye, AZ

)

)

) File No. BPH-20190723AAN

) Facility ID No. 2750

)

)

Accepted / Filed

To: Office of the Secretary
Attention: Audio Division, Media Bureau

NOV 18 2019

Federal Communications Commission
Office of the Secretary

MOTION FOR LEAVE TO FILE SUPPLEMENT

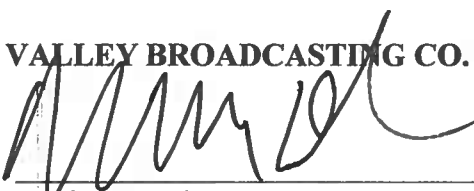
Prescott Valley Broadcasting Co. Inc. ("PVBC") and ITM, LLC ("ITM"), by their attorney, hereby respectfully and jointly request leave to file the accompanying "Supplement to Opposition to Order to Show Cause" ("Supplement") to provide the Commission with a supporting Declaration from Sanford Cohen, the President of PVBC and the Managing Member of ITM. Although PVBC and ITM maintain that such Declaration is not required under the Commission's rules, it nevertheless is being filed out of an abundance of caution, for the reasons set forth in the Supplement. A copy of the Supplement is included herewith at Attachment A.

Based on the foregoing, PVBC and ITM respectfully request that the Commission grant this Motion for Leave to incorporate the Declaration as part of this proceeding.

Respectfully submitted,

PRESCOTT VALLEY BROADCASTING CO. INC. AND ITM, LLC

By:


Mark B. Denbo
Their Attorney

SMITHWICK & BELENDIUK, P.C.
5028 Wisconsin Avenue, N.W., Suite 301
Washington, DC 20016
202-350-9656

November 18, 2019

Attachment A

Supplement to Opposition to Order to Show Cause

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
ENTRAVISION HOLDINGS, LLC)	File No. BPH-20190723AAN
)	Facility ID No. 2750
For Construction Permit)	
KDVA(FM), Buckeye, AZ)	

To: Office of the Secretary
Attention: Audio Division, Media Bureau

SUPPLEMENT TO OPPOSITION TO ORDER TO SHOW CAUSE

On November 12, 2019, Prescott Valley Broadcasting Co. Inc. ("PVBC") and ITM, LLC ("ITM") jointly filed an Opposition ("Opposition") to an October 10, 2019 Order to Show Cause ("Order"). On November 14, 2019, Entravision Holdings, LLC filed a Reply thereto, alleging, among other things, that the Opposition was defective because it was not accompanied by an affidavit from an individual.

The Order states that the procedures governing the Order to Show Cause process are set forth in Section 1.87 of the Commission's rules. Section 1.87(b) of the Commission's rules provides that any objection to an Order to Show Cause is "subject to the requirements of section 309 of the Communications Act of 1934, as amended" ("Act"). Section 309(b) of the Act provides, in pertinent part, that a party opposing an Order to Show Cause must include an affidavit from an individual if the opposition includes "allegations of fact, except for those of which official notice may be taken."

PVBC and ITM submit that the Opposition did not include any material allegations of fact, except for those of which official notice may be taken. Accordingly, PVBC and ITM believe that it was not necessary for the Opposition to include an affidavit from an individual. Nevertheless, by

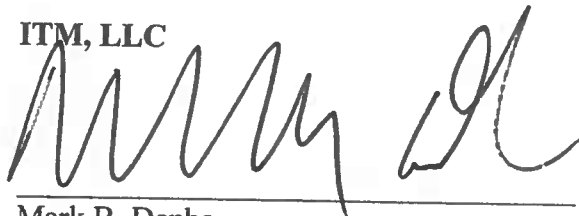
this Supplement and out of an abundance of caution, PVBC and ITM jointly are submitting a Declaration executed by Sanford Cohen, the President of PVBC and the Managing Member of ITM. Mr. Cohen affirms, among other things, that all of the facts set forth in the Opposition are true and correct to the best of his knowledge.¹ PVBC and ITM respectfully request, to the extent necessary, that the Commission incorporate Mr. Cohen's Declaration as part of the Opposition that PVBC and ITM filed on November 12, 2019.

Respectfully submitted,

PRESCOTT VALLEY BROADCASTING CO. INC.

ITM, LLC

By:

A handwritten signature in black ink, appearing to read 'Mark B. Denbo', is written over a horizontal line.

Mark B. Denbo
Their Attorney

SMITHWICK & BELENDIUK, P.C.
5028 Wisconsin Avenue, N.W., Suite 301
Washington, DC 20016
202-350-9656

November 18, 2019

¹ See Attachment A, Declaration of Sanford Cohen. Concurrently herewith, PVBC and ITM jointly are filing a Motion for Leave to File Supplement.

Attachment A

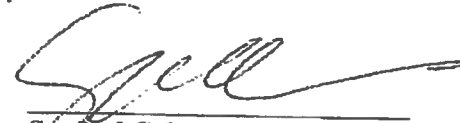
Declaration of Sanford Cohen

DECLARATION OF SANFORD COHEN

I, Sanford Cohen, hereby declare under penalty of perjury as follows:

1. I am the President of Prescott Valley Broadcasting Co. Inc. ("PVBC") and the Managing Member of ITM, LLC ("ITM").
2. I have read the following documents that have been or are being filed with the Federal Communications Commission on behalf of PVBC and ITM: (a) Opposition to Order to Show Cause; (b) Supplement to Opposition to Order to Show Cause; and (c) Motion for Leave to File Supplement to Opposition to Order to Show Cause. The statements made in each such document are true and correct to the best of my personal knowledge.

Executed on the 17th day of November 2019.


Sanford Cohen

CERTIFICATE OF SERVICE

I, Mark B. Denbo, do hereby certify that a copy of the foregoing "Motion for Leave to File Supplement" was mailed by First Class U.S. Mail, postage prepaid (or via electronic mail if marked with an asterisk), this 18th day of November, 2019 to the following:

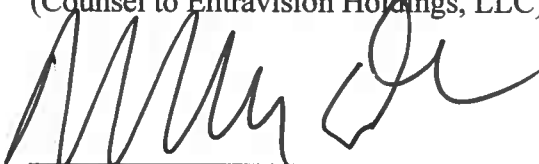
Mr. Rodolfo Bonacci *
Assistant Chief, Audio Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC. 20554

Mr. Gary Loehrs *
Audio Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC. 20554

Nazifa Sawez, Esq. *
Assistant Chief, Audio Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC. 20554

Ms. Rolanda Smith *
Audio Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC. 20554

Barry A. Friedman, Esq.
Thompson Hine LLP
1919 M Street, NW, Suite 700
Washington, DC 20036
(Counsel to Entravision Holdings, LLC)

A handwritten signature in black ink, appearing to read 'Mark B. Denbo', is written over a horizontal line.

Mark B. Denbo