

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

In the Matter of:	)	
	)	
John Broyles d/b/a United International	)	
Broadcasting Network	)	CSA 5563-L
	)	
v.	)	
	)	
InterMedia	)	
	)	
Request for Stay	)	

**ORDER**

**Adopted: October 31, 2000**

**Released: November 2, 2000**

By the Deputy Chief, Cable Services Bureau:

**I. INTRODUCTION**

1. John Broyles d/b/a United International Broadcasting Network (“Broyles”) has filed a request for stay of *John Broyles d/b/a United International Broadcasting Network v. InterMedia* (“*InterMedia II*”).<sup>1</sup> We deny the request for stay.

2. Broyles asserts in support of the stay request that he had no knowledge of the petition for partial reconsideration granted in *InterMedia II* until his receipt of copy of the order granting the petition. He requests a stay of the order to be given an opportunity to respond to the petition, asserting a belief that the facts may have been misrepresented in the petition. We reject these assertions as grounds for grant of a stay. First, a certificate of service attached to the petition states that a copy of the petition was sent by first class U.S. Mail to the address shown on Mr. Broyles’ correspondence on file in this matter. Second, a public notice of the filing of the petition was issued on August 23, 2000.<sup>2</sup> We believe this record establishes that Broyles was provided notice of the filing of the petition.

3. A petition for stay of a Commission action is analyzed under a four-part test which requires the stay proponent to demonstrate: (1) that it will suffer irreparable harm if a stay is not granted; (2) that it is likely to prevail on the merits; (3) that other interested parties will not be harmed if the stay is granted;

<sup>1</sup>DA 00-2237, (Cable Serv. Bur., released October 2, 2000); \_\_ FCC Rcd \_\_\_\_ (CSB 2000) (“*InterMedia I*”). In *InterMedia II* we granted a petition for partial reconsideration of *John Broyles d/b/a United International Broadcasting Network v. InterMedia*, DA 00-1568, (Cable Serv. Bur., released July 13, 2000); \_\_ FCC Rcd \_\_\_\_ (CSB 2000) (“*InterMedia I*”).

<sup>2</sup>See Public Notice, Cable Service Registrations; Special Relief and Show Cause Petitions, Report No. 1284. Dated August 23, 2000.

and (4) that the public interest favors the grant of a stay.<sup>3</sup> Broyles request for stay, which asserts only a belief that facts may have been misrepresented, meets none of these standards.

## II. ORDERING CLAUSES

4. Accordingly, **IT IS HEREBY ORDERED** that the request for stay filed in the captioned proceeding by John Broyles d/b/a United International Broadcasting Network **IS DENIED**.

5. This action is taken under delegated authority pursuant to the provisions of Section 0.321 of the Commission's rules.<sup>4</sup>

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson, Deputy Chief  
Cable Services Bureau

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<sup>3</sup>See *Washington Metropolitan Area Transit Comm'n v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977); *Virginia Petroleum Jobbers Ass'n v. FPC*, 259 F.2d 921, 925 (D.C. Cir. 1958).

<sup>4</sup>47 C.F.R § 0.321.