

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

In re Application of	)	
	)	
DESERT WEST AIR RANCHERS CORPORATION	)	File No. BLH-20130624AAE
	)	File No. BPH-20070601BRS
For License to Cover Construction Permit for	)	
Modification of the Licensed Facilities of	)	
KRDX(FM), Facility ID Number 36023,	)	
Corona De Tucson, Arizona	)	

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

**PETITION FOR RECONSIDERATION**

Desert West Air Ranchers Corporation (“Desert”), licensee of Station KRDX(FM), Corona De Tucson, Arizona, hereby respectfully submits its Petition for Reconsideration of the letter of the Senior Engineer, Audio Division, Media Bureau, dated April 10, 2020 (the “Dismissal Letter”), which dismissed the above-captioned license application and cancelled the underlying construction permit for the modified facilities of KRDX.<sup>1</sup> With respect thereto, the following is stated:

As fully described in the Commission's Dismissal Letter, Desert's pending license to cover application for KRDX on Channel 279A has been pending for some time cannot be granted until a contingency is satisfied. That contingency requires the construction of a modified facilities for KXZK, Vail, Arizona, on Channel 283A and the filing of an application for license to cover, which will reflect that KXZK has vacated Channel 279A. KXZK is owned by Cochise Broadcasting LLC ("Cochise"), and its principals are the same as Desert's principals.

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<sup>1</sup> This action was reported in the Commission’s Public Notices, “Broadcast Actions,” Report No. 49717, released April 15, 2020.

While the factual recitation included in the Dismissal Letter is largely correct,<sup>2</sup> a change in circumstances since the date of that letter means that the dismissal of the KRDX license application would not serve the public interest. While there are mitigating circumstances which explain, at least in part, the delays in constructing the modified KXZK facility, Desert does not wish to go into those circumstances at this time.

Rather, at this point, Desert understands that actions speak louder than words. Accordingly, Desert and Cochise are working to construct the KXZK facility on Channel 283A prior to the expiration of the current construction permit (FCC File No. BPH-20170524AAF) on June 21, 2020. Upon completion of construction, Cochise will file an application for license to cover, and this filing will, in turn, allow the grant of the KRDX license application. In furtherance of the construction, Cochise has this week signed a lease for the new KXZK site. Additionally, with the exception of the station's new antenna, which was shipped three days ago, and the arrival of which is expected this day, Cochise has acquired and now has on hand all of the necessary equipment to construct the new KXZK facility. These acquisitions include all transmission equipment, EAS equipment, programming and processing equipment, and other items. The new site also has in place full grid power, as opposed to solar power. The tower crew for the construction has been scheduled and is ready. Construction should be completed within the next week.

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<sup>2</sup> It should be noted that the Decision Letter is incorrect in stating that KXZK is currently silent. While it is correct that the station has, in the past, been off the air due to power issues, the notification referenced in the Dismissal Letter was filed January 7, 2019, not 2020, and KXZK most recently filed a Notice of Resumption of Operations on February 20, 2020. It also is not the case that KRDX and KVZK have operated on the same frequency at the same time, but rather KRDX has operated on its current, licensed frequency, pursuant to Section 73.1620(a)(2) of the Commission's rules, at the same location as the current, licensed facilities for KXZK but at a different height.

When construction is complete for KXZK, the KXZK license application will be filed, and the station will commence operation pursuant to automatic program test authority. Immediately thereafter, KRDX, having already filed its license application, will cease operation on Channel 279A and, as the condition of commencement of operation of KXZK on channel 283A will have been met, will switch to the facilities specified in the license application and commence operation pursuant to automatic program test authority at half power as permitted by Section 73.1620(a)(2) the Commission's rules. Full-power operation will commence upon the grant of the KRDX license application or separate grant of full-power program test authority.

In sum, while Desert acknowledges that there has been delay in reaching this point, KRDX is now on the verge of being able to commence operation with the facilities specified in its pending license application. The Dismissal Letter's conclusion that such operation would not be possible in the foreseeable future is incorrect; indeed, as stated above, the projected time until completion of the KXZK facilities that will allow such operation can be appropriately counted in days. Maintaining dismissal of the KRDX license application would only create further delay, as Desert would have to re-file an application for construction permit to re-authorize the already-constructed facilities. This waste of time, as well as the Commission's resources in processing the application, clearly would serve no public interest purpose. Accordingly, Desert respectfully requests the reinstatement of the KRDX license application to pending status for the very brief period of time, estimated to be approximately seven days and no more than 21 days at most, needed to complete construction of KXZK and file an application for license for that station..

WHEREFORE, the premises considered, Desert respectfully requests reconsideration of the Dismissal Letter due to changed circumstances and reinstatement of the above-captioned KRDX application for license to cover construction permit.

Respectfully submitted,

DESERT WEST AIR RANCHERS CORPORATION

By:           /s/Anne Goodwin Crump            
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