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March 21, 2022

VIA E-MAIL ONLY

Marlene H. Dortch, Secretary
Federal Communications Commission
45 L. Street NE
Washington DC 20554

Re: K239CR (FX), Indianola, Iowa (FAC# 201416); Request for Special
Temporary Authority.

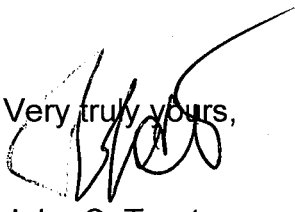
Dear Madam Secretary:

On the behalf of Birach Broadcasting, Corporations, ("BBC"), the Licensee of K239CR (FX), Indianola, Iowa (FAC# 201416) (the "Station"), and at the direction of FCC Staff, this is to respectfully request Special Temporary Authority ("STA") to operate at the Station during the pendency of its late filed license renewal. This instant renewal was filed today, See LMS-0000186951. Attached hereto is the Waiver Request contained in BBC license renewal application. This provides explanation for BBC's need for the STA. Considering the forgoing, BBC respectfully requests 180 days in which to operate Station while waiting for Commission process its renewal application.

Pursuant to FCC *Public Notice*, DA 22-29, (released January 11, 2022) (the "Public Notice") this instant STA Request is being submitted by e-mail to audiofillings@fcc.gov. In addition, please find attached an Anti-Drug Abuse Certificate, signed by counsel.

Should there be any questions regarding this STA Request, please feel free to contact this Office.

Very truly yours,


John C. Trent

Attachments

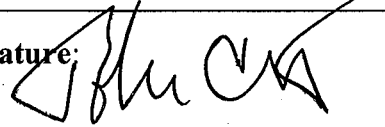
cc: audiofillings@fcc.gov (Via E-mail Only)

ANTI-DRUG ABUSE ACT CERTIFICATION

The Applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §853a, or, in the case of a nonindividual applicant (*e.g.*, corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a “party” for these purposes, *see* 47 C.F.R. §1.2002(b).

Yes ☒

No ☐

Name of Applicant: Birach Broadcasting Corporation	Signature: 
Date: 03/21/2022	Title: Counsel

K239CR Request to Accept Late-Filed Renewal Application

The Birach Broadcasting Corporation, Licensee respectfully requests the Commission accept this late filed License Renewal Application for K239CR. Simultaneously with the filing of this Application, a request for Special Temporary Authority is filed so as to allow the Licensee continued operation of this Station while this instant renewal is pending with the FCC.

K239CR's Primary Station is KXLQ (AM), Indianola, IA (FAC# 70891) ("KXLQ"). The Licensee timely filed the license renewal for KXLQ on October 1, 2020. At that time, K239CR was still an unbuilt Construction Permit ("CP"). As an unbuilt station, it was *not* on the KXLQ LMS Renewal form pop-up menu for translators associated with KXLQ.

Construction on K239CR was completed in October and a License to Cover Application was filed on October 16, 2020. That License Application was approved on November 10, 2020. So, a license renewal wasn't filed as it was not a licensed station at the filing deadline.

The translator is still "alive" in LMS system. In fact, the Licensee is in the process of for selling K239CR and KXLQ. As one can see K239CR is listed on the assignment application (see attached 314 page 1). The Licensee had *no idea* there was a renewal issue until it's FCC counsel, while preparing for the upcoming closing, discovered this problem.

Under the circumstances, the Licensee respectfully requests WAIVER of the Section 73.3539 Rules regarding license renewal filing deadlines. The Commission has granted late filed applications in the past. See, Email from James Bradshaw, Deputy Chief, Audio Division, FCC Media Bureau, to Cary S. Tepper, Esq., Tepper Law Firm, LLC (July 30, 2021, 11:08 EDT). See also *Clear Channel Broadcasting Licenses, Inc.*, Memorandum Opinion and Order, 26 FCC Rcd 7153, 7157, para 11 (2011) (*Clear Channel*) (upholding as proper the Bureau's practice of processing a late-filed covering license application for facilities fully completed by the construction deadline through the waiver process); *Cranesville Block Company, Inc.*, Letter Order, 27 FCC Rcd 2018, 2019-20 (MB 2012) (dismissing a petition for reconsideration of an expired construction permit as procedurally improper and treating it instead as a request for waiver). See also, *Family Worship Center Church, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 11-1438, MB August 23, 2011 (reinstatement and grant of translator license renewal.).



(REFERENCE COPY - Not for submission)

Assignments

Lead File Number: 0000184963 | Submit Date: 02/17/2022 | Lead Call Sign: KXLQ | FRN: 0003766847
Service: Full Power AM | Purpose: Assignment of Authorization | Status: Pending | Status Date: 02/18/2022
Filing Status: Active

General Information

Attachments	Are attachments (other than associated schedules) being filed with this application?	No
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Fees, Waivers, and Exemptions

Fees	Is the applicant exempt from FCC application Fees?	No
	Indicate reason for fee exemption:	
Waivers	Does this filing request a waiver of the Commission's rule(s)?	No
	Total number of rule sections involved in this waiver request:	

Assignment of Authorization	KXLQ	70891	MPR	\$1,005.00
	K239CR	201416	MDF	\$290.00
Total				\$1,295.00

Assignments Type

Is this application a pro forma Assignment of Authorization?	No
By answering "Yes" the Applicant certifies that the use of short form pro forma application is appropriate for this transaction?	
Is the Assignment Voluntary or Involuntary:	

Authorizations to be Assigned

Selected Call Signs

KXLQ	70891	0000184963	AM	INDIANOLA, IA
K239CR	201416	0000184964	FX	INDIANOLA, IA

Assignment Questions

Were any of the authorizations that are the subject of this application obtained through the Commission's competitive bidding procedures (see 47 C.F.R. Sections 1.2111(a) and 73.5000)?	No
Were any of the authorizations that are the subject of this application obtained through the Commission's point system for reserved channel noncommercial educational stations (see 47 C.F.R. Sections 73.7001 and 73.7003)?	No