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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington DC 20554

In re Applications of )  
 )  
VSS Catholic Communications, Inc. )  
 )  
For Minor Modification of )  
Construction Permit )  
Station KBZR (FM) )  
Lincoln and Papillion, Nebraska )

File No. BMPH-20090121ABD

Facility ID 34435

To: The Secretary  
Attn: Audio Division, Media Bureau

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INFORMAL OBJECTION

In accordance with Sections 1.41 and 73.3587 of the Commission's Rules, William B. Clay ("Clay") hereby registers his objection to the the captioned application, filed on January 21, 2009. Public notice of the application was given in the January 23, 2009 edition of *Broadcast Applications*, Report No. 26907.

1. The captioned application is the second request to change a construction permit granted by the Media Bureau ("Bureau") on May 14, 2007, file no. BPH-20070119AFW, which authorized a change in community of license ("CCOL") of the subject licensed facility from Lincoln, Nebraska to Papillion, a small municipality embedded in the much larger Omaha, Nebraska metro market. That grant is one of the Bureau's first thirty grants under new Rules<sup>1</sup> that entered in vigor on January 19, 2007 (71 Fed Reg 76208; "new Rules"), which style such mutually exclusive, noncompetitive CCOL as "minor changes."

<sup>1</sup> 47 CFR § 73.3573(g); *In the Matter of Revision of Procedures Governing Amendments to FM Table of Allotments and Changes in Community of License in the Radio Broadcast Services*, MB Docket No. 05-210, 21 FCC Rcd 14212.

5. Exhibit 24 of the captioned application contains an engineering diagram that shows the requested facility will not cover Lincoln, Nebraska with a “city-grade” (70 dBu) signal as required by § 73.315(a) for a facility’s community of license. Should the Bureau's reallocation of the subject facility's channel from Lincoln to Papillion be remanded or set aside upon review, the facility here requested will not fulfill the licensee’s obligations to its community of license.

6. In summary:

- The Media Bureau's arbitrary, capricious, and unlawful reallocation of this facility's channel from Lincoln to Papillion is the essence of reviews pending before the Commission.
- The Bureau’s grant of the first requested modification of construction permit – which yields essentially the same signal coverage as the facility requested by the present application – is likewise pending review before the Commission.
- The licensee is not presently obligated to complete the construction authorized by its outstanding permit by any date certain.
- The facility here requested does not comply with the coverage requirements of § 73.315(a) for its only uncontested community of license, Lincoln.

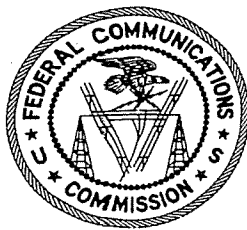
7. In consideration of these facts, any action upon the captioned application would be premature and contrary to the public interest. The application should be retained in pending status and not acted upon until the underlying construction permit or its revocation becomes final.

Respectfully submitted,

William B. Clay

January 28, 2009

RBC



United States of America  
FEDERAL COMMUNICATIONS COMMISSION  
FM BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

*Rodolfo F. Bonacci*

Rodolfo F. Bonacci

Assistant Chief

Audio Division

Media Bureau

Official Mailing Address:

CHAPIN ENTERPRISES, LLC

1248 O STREET

SUITE 751

LINCOLN NE 68508

Facility ID: 34435

Call Sign: KBZR

Permit File Number: BMPH-20090121ABD

Grant Date: JAN 28 2009

The authority granted herein has no effect on the expiration date of the underlying construction permit.

This permit modifies permit no.: BPH-20070119AFW,  
as modified by permit no.: BMPH-20080417AAY

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 7-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Callsign: KBZR

Permit No.: BMPH-20090121ABD

Name of Permittee: CHAPIN ENTERPRISES, LLC

Station Location: NE-PAPILLION

Frequency (MHz): 102.7

Channel: 274

Class: C1

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: Non-Directional

Antenna Coordinates: North Latitude: 41 deg 04 min 16 sec  
 West Longitude: 96 deg 13 min 31 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	46	46
Height of radiation center above ground (Meters):	387	387
Height of radiation center above mean sea level (Meters):	757	757
Height of radiation center above average terrain (Meters):	409	409

Antenna structure registration number: 1026025

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

\*\*\* END OF AUTHORIZATION \*\*\*