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445 TWELFTH STREET, SW
WASHINGTON DC 20554

MEDIA BUREAU
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APPLICATION STATUS: (202) 418-2730
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PROCESSING ENGINEER: Arthur E. Doak
TELEPHONE: (202) 418-2715
MAIL STOP: 1800B3-AED
INTERNET ADDRESS: arthur.doak@fcc.gov

June 21, 2017

Cochise Broadcasting LLC
P.O. Box 11060
Jackson, WY 83002

KZLZ, LLC
2307 Princess Ann Street
Greensboro, NC 27408

In re: KXZK(FM), Vail, AZ
Cochise Broadcasting LLC
Facility ID No.: 164116
BPH-20170524AAF

KWCX-FM, Tanque Verde, AZ
KZLZ, LLC
Facility ID No.: 72659
BPH-20170523ACE

KZLZ(FM), Casas Adobes, AZ
KZLZ, LLC
Facility ID No.: 36022
BPH-20170524AAA

Dear Applicants:

This letter refers to the above-captioned minor change application filed by Cochise Broadcasting LLC ("Cochise") and the two above-captioned minor change applications filed by KZLZ, LLC. For the reasons stated below, we dismiss both of KZLZ, LLC's applications and grant Cochise's application.

Cochise's application. By way of background, on June 24, 2010 Cochise was granted Construction Permit BPH-20090406AKT to modify Station KXZK(FM) from Channel 279A in Vail, Arizona to Channel 283A in Vail, Arizona. This facility was never built and the construction permit expired on June 24, 2013. Cochise was also granted two other construction permits (BPH-20130624AAH and BMPH-20170223ABQ) in subsequent attempts to implement the Channel 283A assignment in Vail, Arizona. Those construction permits expired on May 23, 2017. Therefore, the Channel 283A assignment in Vail, Arizona is presently considered a reserve assignment and must be protected. The above-captioned application filed by Cochise is a further attempt to implement the Channel 283A Vail, Arizona assignment. Our study shows that this application is acceptable and grantable.

KZLZ, LLC's applications. KZLZ, LLC filed the above-captioned application for Station KZLZ(FM) proposing to upgrade the station from Channel 287C3 in Casas Adobes, Arizona to Channel 287C2 in Casas Adobes, Arizona. In order to accomplish the upgrade of Station KZLZ(FM), it was necessary for KZLZ, LLC to file the above-captioned contingent application for KWCX-FM to modify that station from Channel 285A in Tanque Verde, Arizona to Channel 283A in Tanque Verde, Arizona.

Discussion. Pursuant to 47 C.F.R. § 73.3517(e) contingent applications must be filed on the same day. However, the application for Station KWCX-FM was filed on May 23, 2017, one day before the contingent application for Station KZLZ(FM), which was filed on May 24, 2017. Therefore, the applications are in violation of § 73.3517(e) and will be dismissed.¹

Conclusion. Accordingly, Applications File No. BPH-20170523ACE and File No. BPH-20170524AAA ARE HEREBY DISMISSED as unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a). Furthermore, Application File No. BPH-20170524AAF IS HEREBY GRANTED. These actions are taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

Arthur E. Doak

Arthur E. Doak
Senior Engineer
Audio Division
Media Bureau

cc: Fletcher Heald & Hildreth
Gammon & Grange, P.C.

¹ Please note, our study shows that even if the KWCX-FM application had been appropriately filed on May 24, 2017, it is still unacceptable for filing. Specifically, the application violates 47 C.F.R. § 73.207 with respect to the co-channel reserve assignment on Channel 283A in Vail, Arizona. Furthermore, the KWCX-FM application violates 47 C.F.R. § 73.7573(g)(2). Specifically, an applicant proposing to change the community of license ("CofL") via a minor change application, or modifying a previously granted CofL application (even if the permit expired), must specify facilities at the proposed CofL of Tanque Verde, Arizona that are mutually exclusive with the applicant's license facility on Channel 285C2 in Willcox, Arizona (BLH-20001114AAD).