



Federal Communications Commission
Washington, D.C. 20554

May 3, 2018

Mr. E. Morgan Skinner, Jr.
Rockwell Media Services, LLC
158 W. 1600 South, Suite 200
PO Box 1194
St. George, UT 84771

In re: KZEEZ(AM), Santa Clara, UT
Facility ID. No. 160278
Tri-Star Media, LLC

Request for tolling

Dear Mr. Skinner,

On May 2, 2018, we received your request on behalf of Tri-Star Media, LLC, (TSM), for tolling of the construction deadline for construction permit for AM Station KZEEZ, Santa Clara, Utah, Fac. ID No. 160278, File No. BMP-20171018ABD. The construction permit was originally granted on February 28, 2017, for a three-year term, expiring February 28, 2020. In support of your request, you state that the proposed site is on private property within the Virgin River floodplain. Pursuant to a directive of the U.S. Fish and Wildlife Services (USFWS), construction must halt between April 1, 2018, and August 31, 2018 to protect the nesting areas of several endangered species of birds, specifically, the Southwest Willow Flycatcher, and Western Yellow-Billed Cuckoo.

Although tolling is not specifically applicable to the circumstances of this case, we will grant a waiver of the construction deadline based on “rare and exceptional circumstances beyond the permittee’s control.” See *1998 Biennial Regulatory Review—Streamlining of Mass Media Application Rules and Processes, Report and Order*, 13 FCC Rcd 23056(1998), *recon. Granted in part and denied in part, Memorandum Opinion and Order*, 14 FCC Rcd 17525, 17541 (1999)(“*Streamlining MO&O*”). We find that the waiver is appropriate because USFWS has prohibited construction on the site during the nesting cycles of endangered species. This is a rare and exceptional circumstance matter beyond the permittee’s control within the meaning of the *Streamlining MO&O* sufficient to warrant a short-term waiver of the duration of the nesting period.

We will grant an additional 5 months to construct the station, and have amended the expiration date to July 29, 2020, to reflect the additional time.

Sincerely,

Victoria McCauley
Attorney, Audio Division
Media Bureau