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March 12, 2019

Secretary
Federal Communications Commission
Washington, DC 20554

ATTN: Media Bureau (Audio - Victoria McCauley)

RE: **Construction Permit Tolling Request**
K263CC Heber, CA
FACID: 202104
BNPFT- 20180508ABF

Dear Madam Secretary:

On behalf of The Voice of International Christian Evangelism, Inc., permittee of the above-referenced station, and pursuant to Section 72.3598 of the Commission's rules, you are respectfully requested to toll the construction period authorized in File No. BNPFT-20180508ABF. In support thereof the following is shown:

The construction permit authorizes constructing a new FM translator service at Heber, California (reference copy attached hereto). Special Condition #5 of the CP states as follows:

This application is being granted prior to the completion of the international notification process. Therefore, any construction of and operation with the facilities specified herein is at applicant's own risk and subject to modification, suspension or termination without right to hearing, if objected to by the Instituto Federal de Telecomunicaciones ("IFT") in Mexico or if found by the Commission or the IFT to be necessary in order to conform to the 1992 USA-Mexico FM Broadcasting Agreement. This condition will be removed if formal acceptance of the facilities granted herein is received from IFT.

Section 73.3598 of the Commission's rules provides, among other things, that each original construction permit for new FM translator service shall specify a period of three years from the date of issuance of the original construction permit within which construction shall be completed and an application for license filed. In adopting this section of the rules, the Commission expressly sought to afford permittees "an unencumbered three-year construction period."

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Section 73.3598(b)(2) of the rules provides that the construction period shall toll when the grant of the permit is the subject of administrative review or construction is delayed by an cause of action pending before any court of competent jurisdiction relating to any necessary local, state or federal requirement for the construction or operation of the station.

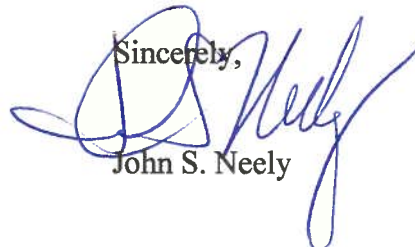
Until Special Condition #5 is satisfied, the CP remains subject to unresolved administrative action concerning a federal requirement as the Commission has not yet completed the notification process required to afford the permittee an unencumbered construction period. In addition, while the international notification process is not before a court, ITF is an adjudicative body whose *statutorily mandated review may result in the revocation of the CP*. Condition #5 advises that the outcome of the permit is uncertain and encumbered by these unresolved matters and, therefore, any construction or operation of the facilities is at the permittee's sole risk and subject to modification, suspension and termination.

The permittee has no way to ascertain with any degree of certainty what facilities, if any, ITF may ultimately approve. The practical effect of the special condition is that, absent tolling, if the permittee does not construct the new facilities, the CP may expire or at least a potentially significant portion of the construction period elapse before international notification and coordination is completed. It is not in the public interest to compel the choice of bearing the risk of expending valuable resources in constructing/operating an authorization which may be terminated or permitting the construction period to run unabated for an unknown period of time (including possible expiration) while awaiting international coordination. The public interest is disserved by constructing and operating the new station within the original 36-month period as the public will come to rely on the service under threat that the very existence of that service is subject to possible termination at an unknown date. Equity and fairness support tolling the CP.

Completion of the international notification process with Mexico, including the period which the Commission requires to resolve such issues, are clearly beyond the permittee's control as private parties are afforded no role in the international notification process.

For good cause, shown, you are respectfully requested to toll the construction period authored in File No. BNPFT- 20180508ABF until such time as the international is completed.

Please address any questions concerning this matter to the undersigned.

Sincerely,

John S. Neely

ENC.

Antenna Coordinates: North Latitude: 32 deg 44 min 31 sec

West Longitude: 115 deg 33 min 08 sec

Transmitter: Type Accepted. See Sections 73.1660, 74.1250 of the Commission's Rules

Antenna type: (directional or non-directional): Directional

Major lobe directions (degrees true): 0

| | Horizontally Polarized Antenna: | Vertically Polarized Antenna: |
|---|---------------------------------------|-------------------------------------|
| Effective radiated power in the Horizontal Plane (kw): | 0.25 | 0.25 |
| Height of radiation center above ground (Meters): | 47 | 47 |
| Height of radiation center above mean sea level (Meters): | 41 | 41 |

Antenna structure registration number: Not Required

Overall height of antenna structure above ground: 51 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

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.
- 2 Prior to commencing program test operations, FM Translator or FM Booster permittee must have on file at the Commission, FCC Form 350, Application for an FM Translator or FM Booster Station License, pursuant to 47 C.F.R. Section 74.14.

Special operating conditions or restrictions:

- 3 This construction permit authorizes the mounting of an antenna on the nondirectional tower of the AM station identified below. During the installation of the antenna, the AM station shall determine operating power by the indirect method (see Section 73.51 of the Commission's Rules). Upon completion of the antenna installation, antenna impedance measurements on the AM antenna shall be made. If the resistance of the AM antenna has changed by more than 2 percent from the licensed value (see Section 73.45(c)(1) of the Commission's Rules), an application for the AM station to return to direct power measurement, including a tower sketch of the installation, shall be filed with the Commission by the AM station licensee using form FCC 302-AM. (See Section 1.30003 of the Commission's Rules.) The permittee must submit confirmation of completion of the requirements of this condition in the application for license to cover this construction permit.

Station KGBA(AM), Heber, CA, Fac. ID No. 8174.

- 4 Pursuant to Revitalization of the AM Radio Service, Notice of Proposed Rule Making, 28 FCC Rcd 15221, 15227, para. 14 (2013), and First Report and Order, 30 FCC Rcd 12145, 12154, para. 17 and n. 43 (2015), the permittee and any successor in interest (licensee, transferee, or assignee) shall be subject to the following restrictions: (1) this facility may only, in perpetuity, be used to rebroadcast the authorized facilities of the AM primary station set forth in this construction permit, except that it may also originate nighttime programming if the AM primary station set forth in this construction permit is not authorized regular nighttime service, and then only during periods of the broadcast day when the primary AM station is not regularly authorized to operate; (2) if the AM primary station is operating with reduced facilities, this cross-service FM translator facility may only operate if its coverage contour conforms to the limits set forth in 47 CFR Section 74.1201(g) as applied to the reduced facilities of the AM primary station; (3) the authorization for this facility may not be assigned or transferred except in conjunction with the primary AM station set forth in this construction permit; and (4) if the authorization of the AM primary station set forth in this construction permit is rescinded, revoked, surrendered, subject to special temporary authorization (STA) to remain silent, or is otherwise suspended from operation, the authorization of this cross-service FM translator station shall likewise be rescinded, revoked, surrendered, silent for the duration of the AM primary station's STA to remain silent, or suspended from operation. Minor modifications of this authorization are permitted, provided that the translator meets all of the preceding conditions. Grant of this authorization is conditioned on the common ownership, in perpetuity, of this facility and the specified AM primary station. Any violation of this condition shall result in the rescission of the grant of this authorization and the dismissal, with prejudice, of the associated application and, if applicable, cancellation of the associated construction permit.
- 5 This application is being granted prior to the completion of the international notification process. Therefore, any construction of and operation with the facilities specified herein is at applicant's own risk and subject to modification, suspension or termination without right to hearing, if objected to by the Instituto Federal de Telecomunicaciones ("IFT") in Mexico or if found by the Commission or the IFT to be necessary in order to conform to the 1992 USA-Mexico FM Broadcasting Agreement. This condition will be removed if formal acceptance of the facilities granted herein is received from IFT.

*** END OF AUTHORIZATION ***