

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
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April 10, 2020

Via E-Mail:

Mr. Ted Tucker  
Desert West Air Ranchers Corporation (A Wyoming Corporation)  
P.O Box 11060  
Jackson, WY 83002

Re: KRDX (FM), Corona de Tucson, AZ  
Desert West Air Ranchers Corporation ("Desert West")  
Facility Identification Number: 36023  
Construction permit BPH-20070601BRS  
and License Application BLH-20130624AAE

Dear Mr. Tucker:

We have before us the above-captioned construction permit and pending license application for KRDX. For the reasons explained below, we find that the licensee failed to complete the construction permit process and has not implemented operations during the past (nearly) six years, for reasons within the licensee's control. The license application will be dismissed, and the underlying construction permit cancelled.

**Background.** Thirteen years ago, in 2007, Desert West filed construction permit application BPH-20070601BRS (with the last amendment filed April 6, 2009 so as to be contingent with KXZK's minor change application, see below) for KRDX to move that station from Vail, AZ to Corona de Tucson, AZ. That construction permit application sought to use the existing, licensed directional facilities of KXZK (including KXZK's channel presently licensed channel, 279A).

To accommodate KRDX's proposal, KXZK's currently licensed facility on Channel 279C1 must cease operation on Channel 279. Cochise Broadcasting LLC – another entity controlled by Ted Tucker – filed contingent construction permit application BPH-20090406AKT seeking a one step allotment change for KXZK to Channel 283A at Vail, AZ

The contingent KRDX and KXZK proposals were found to be acceptable for filing and they were granted on June 24, 2010. The KXZK construction permit BPH-20090406AKT expired June 24, 2013 without the filing of a license application to cover completed construction.

Cochise Broadcasting filed a second construction permit application (BPH-20130604AAH) for KXZK on June 24, 2013 for facilities identical to the previous construction permit. The new permit was granted May 23, 2014. This permit was modified by the May 18, 2017 grant of modification application BMPH-20170223ABQ to reduce power and antenna height. That modified permit expired on May 23, 2017, without the filing of a license application to cover completed construction.<sup>1</sup>

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<sup>1</sup> A petition for reconsideration by KZLZ, Inc. against this KXZK application was dismissed by the staff by letter dated January

Cochise Broadcasting filed a third construction permit application (BPH-20170524AAF) for KRZK on May 24, 2017 for facilities identical to the previous modified, expired construction permit. The newest permit was granted June 21, 2017 and will expire June 21, 2020.

At present, the licensed facility of KXZK is silent, per notice received January 7, 2020, due to power issues with its solar array.

**The KRDX construction permit and license application.** KRDX's construction permit BPH-20070601BRS specifies the same physical, directional facility used by KXZK (when it is operational) except with the effective radiated power (ERP) increased from KXZK's 0.79 kW to KRDX's 0.91 kW. Because KRDX cannot operate while KXZK remains on Channel 279, the construction permit also contained the condition.

Program tests for KRDX(FM) will not commence on Channel 279 until program tests for KXZK(FM), Vail, Arizona (Facility ID No.: 164116) commence on Channel 283. Furthermore, a license will not be granted to KRDX on Channel 279 until a license is granted to KXZK on Channel 283.

The background summary above establishes that KXZK has never operated with authorized facilities on Channel 283. Therefore, KRDX continues to be precluded from commencing operation in accordance with its construction permit.<sup>2</sup> FCC records show that the staff has not authorized program test operations at any time.

**Decision.** Staff members have tried informally on numerous occasions to encourage Desert West / Cochise to complete construction for KXZK and move that station to Channel 283. That action would allow KRDX to commence operation as authorized and allow this license application to be granted. But Desert West / Cochise remains unwilling or unable to complete that step. Nor have we been given any compelling reason for the continuing delay. We conclude – nearly ten years after the grant of the underlying KRDX construction permit and nearly six years after the filing of the KRDX license application – that the licensee cannot satisfy the terms of the KRDX construction permit nor commence operation for the foreseeable future (assuming the now-silent facility can be restored to operating status). Therefore, license application BLH-20130624AAE is DISMISSED, and construction permit BPH-20070601BRS IS CANCELLED.

Sincerely,



Dale Bickel  
Senior Engineer  
Audio Division  
Media Bureau

cc: Susan Marshall (via e-mail)  
: Eric Swanson (via e-mail)

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4, 2018. See [Letter from Peter H. Doyle, Chief, Audio Division to KZLZ, Inc.](#), January 4, 2018, as it relates to Cochise's application BPH-20170524AAF.

<sup>2</sup> We are aware of instances where Cochise claimed that KRDX was operating at the same time as KXZK on the same channel. However, these statements are inconsistent with the plain language of the cited condition.