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Office of Secretary

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March 11, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: Reply Ref.: 1800B3-GDG/SML
Re: KLZK(FM), Brownfield, Texas

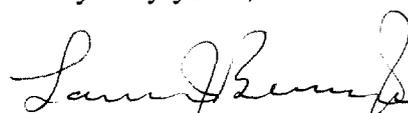
Dear Mr. Caton:

By letter dated February 12, 1997, the Chief of the Mass Media Bureau's Audio Services Division notified the licensee of KLZK that unless the Commission received documented evidence demonstrating that the station had returned to the air before February 9, 1997, the station's license would be cancelled pursuant to 47 C.F.R. § 312(g). In response, on behalf of Southwestern Broadcasting Corporation, licensee of KLZK, I am submitting the attached Motion for Reversal of Summary Decision and Grant of Application which is being filed simultaneously herewith in MM Docket No. 96-104.

Please note that in a declaration attached to the Motion, the licensee's president declares under penalty of perjury that KLZK began broadcasting on February 5, 1997, with the new facilities authorized in Construction Permit File No. BPH-960508IA, granted November 20, 1996, pursuant to the automatic program test authority provisions of 47 C.F.R. § 73.1620. Also, a license application attesting that construction of the new facilities has been completed was filed with the Commission on February 6, 1997.

Should the Commission desire further information concerning these matters, please contact this office.

Very truly yours,


Lawrence J. Bernard, Jr.

cc: Kenneth Scheibel, Esquire

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
SOUTHWESTERN BROADCASTING CORPORATION)	MM Docket No. 96-104
)	File No. BRH-900315UC
)	
For Renewal of License)	
for Station KLZK(FM))	
Brownfield, Texas)	

To: The General Counsel

**MOTION FOR REVERSAL OF SUMMARY
DECISION AND GRANT OF APPLICATION**

Southwestern Broadcasting Corporation ("Southwestern"), pursuant to note 4 on page 3 of the Commission's Order, FCC 96-443, released November 15, 1996, hereby requests the General Counsel to exercise the authority delegated to him in said Order and reverse the Summary Decision ("S.D."), 11 FCC Rcd 9120 (ALJ 1996), denying the captioned KLZK renewal application and issue an order granting said application.

In support whereof, the following is shown:

1. In the S.D., Administrative Law Judge Richard L. Sippel ("ALJ") denied the captioned renewal application and cancelled the KLZK license. Southwestern filed exceptions to the S.D. with the Commission. In response, the Commission issued the November 15, 1996 Order directing the Mass Media Bureau to reinstate and process an application for a construction permit for new KLZK facilities filed on May 8, 1996 and ordering that this proceeding be held in abeyance pending action on the application and construction of the new facilities.

2. The Bureau complied with the Commission's directive by issuing Southwestern a construction permit, File No. BPH-96 0508IA, on November 20, 1996. Southwestern completed construction of the new KLZK facilities and began broadcasting pursuant to the automatic program test provisions of 47 C.F.R. § 73.1620 on February 5, 1997. See ¶ 2 of the Declaration of Southwestern's president attached hereto. An application for license to cover operation on the new facilities was filed on February 6, 1997. Id., ¶ 3.

3. As pointed out in ¶ 2 of the November 15, 1996 Order, KLZK's license and operating authority would have been terminated automatically under 47 U.S.C. § 312(g) if the station had not resumed broadcasting by February 9, 1997. However, since Southwestern did meet the statutory deadline, no impediments remain to a grant of the captioned license renewal application. Accordingly, pursuant to note 4 on page 3 of the Commission's November 15, 1996 Order, the General Counsel is respectfully requested to reverse the S.D., grant the KLZK renewal application and terminate this proceeding.

Respectfully submitted,

SOUTHWESTERN BROADCASTING
CORPORATION

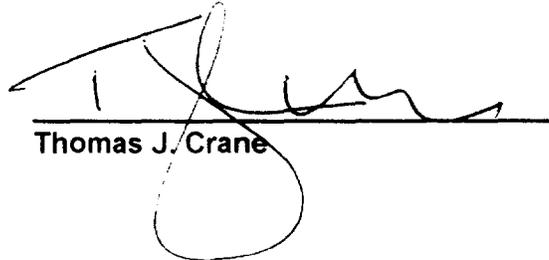
By: 
Lawrence J. Bernard, Jr.
5224 Chevy Chase Parkway, N.W.
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Its Counsel

DECLARATION

I, Thomas J. Crane, under penalty of the laws of perjury, do hereby declare the following to be true:

- 1) I am President of Southwestern Broadcasting Corporation, licensee of FM radio station, KLZK, Brownfield, Texas.
- 2) Pursuant to authority contained in Construction Permit File Number BPH-9605081A, granted on November 20, 1996, Southwestern Broadcasting Corporation completed construction of new facilities for KLZK on February 5, 1997, and began broadcasting over those facilities pursuant to automatic program test authority as authorized in 47 C.F.R. Section 73.1620 on the same date.
- 3) An application on FCC Form 302 requesting a license for operation with KLZK's new facilities was sent to the Commission's Pittsburgh office on February 5, 1997 and was received by that office on February 6, 1997.

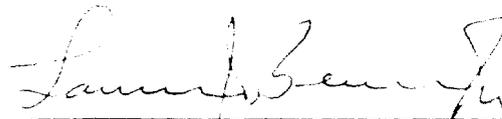


Thomas J. Crane

Signed and dated this 25th day of February, 1997.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Reversal of Summary Decision and Grant of Application was served this 11th day of March, 1997 by first class U.S. mail, postage prepaid, to Kenneth M. Scheibel, Jr., Esquire, Attorney, Mass Media Bureau, Federal Communications Commission, 2025 M Street, N.W., Room 7212, Washington, D.C. 20554.



Lawrence J. Bernard, Jr.