

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

In the Matter of)	
)	KBTG-LP, Buffalo, WY
)	Facility ID No. 126655
Buffalo Baptist Church)	
Low Power FM Broadcast Station)	
)	
)	

To: Media Bureau, Audio Division

**PETITION FOR RELIEF UNDER SECTION 312(g)
OF THE COMMUNICATIONS ACT**

Buffalo Baptist Church (“BBC”), by counsel, hereby respectfully requests that the Commission extend its license for Station KBTG-LP¹ beyond the one-year period when the license would otherwise expire under Section 312(g) of the Communications Act, 47 U.S.C. §312(g). That statutory provision permits the Commission to extend the license for a station that has failed to transmit broadcast signals for a 12-month period “for any...reason to promote fairness and equity.” The grant of this waiver and the resulting reinstatement of KBTG-LP will promote fairness and equity, and BBC urges the Commission to grant it two weeks from the grant of this Petition to allow it to construct KBTG-LP’s new facilities and return it to the air.

KBTG-LP went silent pursuant to an STA² on May 4, 2014, apparently as a result of staffing issues. At the time, KBTG-LP was licensed to another local church in Buffalo, Wyoming, Calvary Chapel of Buffalo (“Calvary”). BBC acquired the license from Calvary in November of 2014³. At the time, BBC was aware that the station was silent, and had been informed by Calvary

¹ The former call sign of KBTG-LP was KSLW-LP.

² File No. BLSTA-20140512ADC.

³ File No. BALL-20140909AFP.

that it would need to file for an extension of the STA, which it did on January 20, 2015.⁴ Immediately before filing for the STA extension, BBC filed for a modification of its construction permit⁵ to allow it to move KBTG-LP to new facilities. This modification application was granted on January 29, 2015 and the grant expires July 29, 2016.

The move to KBTG-LP's new facilities required significant expense and work, as it involved the construction of a new tower.⁶ BBC is a small church in a rural area; it is not possessed of substantial financial resources, meaning that the funds for this construction needed to be raised separately from the church's normal fundraising, and once it had been, construction was delayed because of weather. It wasn't until May of this year that temperatures in Buffalo, Wyoming rose above freezing, and over the course of the winter, the ground froze to a depth of 4-6 feet, meaning that the thaw took several weeks. This was in addition to larger than normal snowfall totals this winter and high winds, both of which limited construction.

Despite having been represented during the acquisition of KBTG-LP, given the small nature of this operation, BBC made the decision to operate the station without assistance from counsel. As a result, it had a fundamental misunderstanding about the Commission's rules: it believed that, because it was in possession of a construction permit which remained valid through the first half of 2016, and because it had only been in possession of the station since November, it would have additional time to construct the new facilities and return the station to air. When it received correspondence from the Commission last month indicating otherwise, BBC endeavored to gather the funds and re-engage counsel.

⁴ File No. BLESTA-20150120AAL.

⁵ File No. BPL-20150116AGR.

⁶ *See*, Declaration of James Robertson, Pastor of Buffalo Baptist Church.

BBC now understands that its construction permit modification authorization did not carry with it additional time to return the station to air. It acknowledges that this confusion was a result of its misunderstanding of the Commission's correspondence. It respectfully submits, however, that, in the interests of equity and fairness, the Commission allow additional time to this novice licensee, a noncommercial educational entity seeking to provide its local community with religious programming and important local information through an LPFM station, to construct its new facilities and return the station to air.

Because LPFM licensees are by their nature, local community non-profit entities not experienced with Commission rules and lacking large financial resources, the Commission has generally looked kindly on reasonable requests for waivers from LPFM stations in need of assistance in complying with the Commission's rules. This is one of those situations: a novice licensee of an LPFM station misunderstood a Commission rule in a way which did not harm the public, but now risks losing its license as a result. This is precisely the scenario envisioned by Congress when they directed the Commission to waive Section 312(g) when doing so would serve the interests of "fairness and equity."

The Buffalo community has now devoted substantial resources to the planning and construction of this station, and the loss of the license would harm both BBC and that community while not advancing any of the Commission's goals. The public interest clearly weighs in favor of a grant of this waiver.

Buffalo Baptist Church therefore respectfully urges the Commission to grant this waiver request and allow it two weeks to return station KBTG-LP to the air.

Respectfully submitted,



Matthew H. McCormick
Jonathan R. Markman
Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street, Suite 1100
Arlington, VA 22209
Tel: (703) 812-0400
Fax: (703) 812-0486
mccormick@fhhlaw.com

Counsel for Buffalo Baptist Church

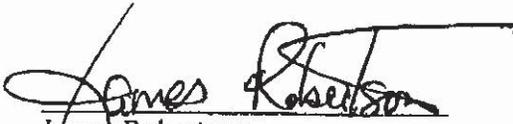
August 13, 2015

DECLARATION

I, James Robertson, under penalty of perjury, declare and state:

I am Pastor of Buffalo Baptist Church, licensee of, Low Power FM Station KBTG-LP, Buffalo, WY, Facility ID No. 126655.

I have reviewed the foregoing "Petition for Relief Under Section 312(g) of the Communications Act" and confirm that the facts recited therein are true and correct.


James Robertson
August 12, 2015