

RECEIVED  
DEC 22 1999  
FCC MAIL ROOM  
December 17, 1999

**KRZB (FM)/Texas Grace Communications**  
**P.O. Box 398**  
**Wichita Falls, TX 76307**  
**(914) 352-9087**

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12th St. SW  
Room TW-B204  
Washington, D.C. 20554

**DOCKET FILE COPY ORIGINAL**

**Re: Construction Permit for KRZB (FM)**  
**BMPH-19990217IB**  
**Request for rescinding of preclusive Construction Permit dated 11/30/99,**  
**with request for re-issuance of CP without preclusion upon effective date**  
**of Report and Order under MM Docket No. 99-23.**

Dear Madam Secretary,

Please find enclosed an original, plus two (2) duplicate copies, of our *“Request By Permittee for Rescinding of “Conditional” Construction Permit, and for Reissuance of CP at Such Time as Report and Order Eliminating Preclusive Conditions Becomes Effective”*.

Also enclosed is a “stamp in and return copy”, which we would appreciate having stamped in, and then placed in the enclosed postpaid envelope.

The enclosed document should be forwarded for processing to Supervisory Engineer Edward De La Hunt at the Audio Services Division.

Feel free to contact the undersigned, or legal counsel of record John Trent, at (703) 437-8400, if there are any questions regarding this submission. The Secretary’s courtesy is gratefully appreciated.

Sincerely,  
*Dave Garey*  
Dave Garey  
Proprietor, Texas Grace Communications

No. of Copies rec'd DT2  
List ABCDE  
\_\_\_\_\_

RECEIVED

DEC 22 1999

FCC 1999-0217IB

Before The  
Federal Communications Commission  
Washington, DC 20554

In the Matter of

Issuance of Construction Permit for  
KRZB (FM) Archer City, TX,  
BMPH-19990217IB

To: The Chief, and Supervisory Engineer,  
Audio Services Division  
Mass Media Bureau

**REQUEST BY PERMITTEE FOR RESCINDING OF**  
**"CONDITIONAL" CONSTRUCTION PERMIT, AND FOR**  
**REISSUANCE OF CP AT SUCH TIME AS REPORT AND ORDER**  
**ELIMINATING PRECLUSIVE CONDITIONS BECOMES EFFECTIVE.**

Texas Grace Communications ("Texas Grace"), permittee of station KRZB (FM) at Archer City, TX, hereby respectfully requests that the FCC rescind KRZB's construction permit ("Permit") for Channel 248C2 service (permit file number BMPH-19990217IB) as prematurely issued on November 30, 1999.<sup>1</sup>

Texas Grace requests further that this Permit be returned to "pending status", with reissuance at such time as the Report and Order under MM Docket No. 99-23 ("Report and Order", incorporated herein) becomes effective.

As presently written, the Permit contains the following preclusive conditions, appearing as "Number 1" under *special operating conditions or restrictions*: "The grant

---

<sup>1</sup>A copy of this Permit is attached for reference purposes.

of this construction permit is conditioned upon the final outcome of MM Docket No. 99-23. Construction is at the permittee's sole risk".

While Texas Grace very much wishes to construct the C2 service as specified on the face of the Permit, such preclusive terms and conditions are understandably not acceptable to Texas Grace. In fact, the noted preclusion/restriction effectively negates any definitive permission to build the specified broadcast station, until such time as the noted Report and Order becomes effective.<sup>2</sup>

When Texas Grace sought the subject construction permit, our intention, and reasonable expectation, was to obtain free and clear permission to build the designated C2 facility. However, as the Commission can plainly see, the permit Texas Grace seeks to have rescinded herein offers no such definitive permission to construct our planned broadcast station.

Texas Grace correctly seeks a reissued Permit that is free and clear of such preclusion and uncertainty, which can be readily accomplished provided that a replacement Permit be issued and dated in conformity with, and at the time of, the effective date of the Report and Order under MM Docket No. 99-23, currently designated as January 18, 2000.

Only then will the Permit indeed "permit" such broadcast station construction.

---

<sup>2</sup>MM Docket No. 99-23 derives from a precursor petition for rulemaking, RM-9423 (incorporated by reference), wherein a drop-in channel obstructive to, and wholly precluding, KRZB's C2 facility site application at Archer City, TX was proposed at Tipton, OK. The "effective" status of the Report and Order is therefore essential for ultimate disposition of the preclusive condition, and accordingly, for allowance of a Permit indeed permitting facility construction.

Texas Grace also respectfully notes that until such definitive permission to build the subject facility is specifically granted, KRZB remains under clear tolling encumbrance that should not be counted against the lifespan of KRZB's ultimate Permit. This tolling encumbrance will fortunately cease, however, upon the sequential events of the Report and Order becoming effective; and subsequent issuance of the Permit definitively allowing construction of the specified KRZB facility.

The Commission's rescinding of the attached, preclusive KRZB Permit issued prematurely on November 30, 1999, and granting/issuance of a replacement Permit upon the January 18, 2000 effective date of the Report and Order under MM Docket No. 99-23, will be gratefully appreciated.

Respectfully submitted,



Dave Garey,  
Proprietor  
Texas Grace Communications  
P.O. Box 398  
Wichita Falls, TX 76307

December 17, 1999

**Request for Mutual Service to Attorney**

Although this document has been submitted directly by Texas Grace Communications, John Trent remains legal counsel of record for KRZB. It is therefore requested that all Commission correspondence on this matter, inclusive of a copy of the re-issued Permit, please be simultaneously served upon John Trent at the following address:

John C. Trent  
Putbrese Hunsaker & Trent  
100 Carpenter Drive #100  
Sterling, VA 20164

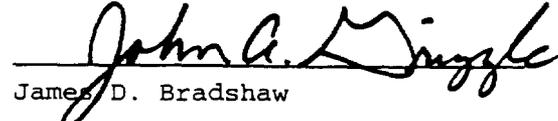


United States of America  
FEDERAL COMMUNICATIONS COMMISSION  
FM BROADCAST STATION CONSTRUCTION PERMIT

Official Mailing Address:

TEXAS GRACE COMMUNICATIONS  
P. O. BOX 398  
WICHITA FALLS TX 76307

Authorizing Official:

*for*   
James D. Bradshaw  
Assistant Chief  
Audio Services Division  
Mass Media Bureau

Facility ID: 79024

Call Sign: KRZB

Permit File Number: BMPH-19990217IB

Grant Date: **NOV 30 1999**

The authority granted herein has no effect on the expiration date of the underlying construction permit.

This Permit Modifies Permit No. BPH-19960201MB

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: TEXAS GRACE COMMUNICATIONS

Station Location: TX-ARCHER CITY

Frequency (MHz): 97.5

Channel: 248

Class: C2

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

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

Antenna Coordinates: North Latitude: 33 deg 51 min 40 sec  
 West Longitude: 98 deg 38 min 52 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	50	50
Height of radiation center above ground (Meters):	138	138
Height of radiation center above mean sea level (Meters):	455	455
Height of radiation center above average terrain (Meters):	150	150
Antenna structure registration number:	1206672	

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 The grant of this construction permit is conditioned upon the final outcome of MM Docket No. 99-23. Construction is at the permittee's sole risk.
  
- 2 The permittee/licensee 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.

\*\*\* END OF AUTHORIZATION \*\*\*