

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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May 7, 2012

Karen A. Ross, Esq.
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, D.C. 20006

Re: Educational Media Foundation
K214DI(FX), Casper, Wyoming
Facility Identification Number: 92833
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed May 4, 2012, on behalf of Educational Media Foundation ("EMF"). EMF requests special temporary authority ("STA") to operate FM Translator K214DI with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, EMF states that the licensed SWR, model FMEC/1, antenna failed and that, after a brief period of operation with reduced power, EMF has restored full-power operation with a Nicom, model BKG-77 antenna, EMF requests STA for continued operation with the new antenna as an emergency antenna. EMF further states that it has filed Application BPFT-20120504AAD for permanent modification of its facilities.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna. Our review indicates that the proposed STA operation complies with Section 73.1680, and that the proposed facilities are identical with the currently licensed facilities except for the ministerial change in antenna make and model.

Accordingly, the request for STA IS HEREBY GRANTED. Station K214DI may continue to operate with emergency antenna facilities as described above. EMF must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **November 7, 2012**.

¹ K214DI is licensed for operation on Channel 214D (90.7 MHz) with effective radiated power of 0.01 kilowatt (H&V) and antenna height above average terrain of 559 meters.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a stylized flourish at the end.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Educational Media Foundation