

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

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/mb/audio/](http://www.fcc.gov/mb/audio/)

**ENGINEER:** CHARLES N. (NORM) MILLER  
**TELEPHONE:** (202) 418-2767  
**FACSIMILE:** (202) 418-1410  
**E-MAIL:** [charles.miller@fcc.gov](mailto:charles.miller@fcc.gov)

March 5, 2010

Mark N. Lipp, Esq.  
Wiley Rein LLP  
1776 K Street NW  
Washington, DC 20006

Re: Cumulus Licensing LLC  
KOAI (AM), Van Buren, Arkansas  
Facility Identification Number: 37828  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed March 3, 2010, on behalf of Cumulus Licensing LLC ("Cumulus"). Cumulus requests special temporary authority ("STA") to operate Station KOAI with reduced power.<sup>1</sup> In support of the request, Cumulus states that the transmitter of commonly owned Station KFAY has failed, and that it has loaned the KOAI main transmitter to KFAY to keep that station on the air, while maintaining operation of Station KOAI with a backup transmitter and reduced power.

Accordingly, the request for STA IS HEREBY GRANTED. Station KOAI may continue to operate with reduced power. It will be necessary to further reduce power or cease operation if complaints of interference are received. Cumulus must notify the Commission when licensed operation is restored.<sup>2</sup> Cumulus 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 **September 5, 2010**.

**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.

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<sup>1</sup> KOAI is licensed for operation on 1060 kHz with 0.5 kilowatt, daytime hours only, employing a directional antenna (DA-D-D).

<sup>2</sup> *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

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,



Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Cumulus Licensing LLC