

**FEDERAL COMMUNICATIONS COMMISSION**  
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**WASHINGTON DC 20554**

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January 12, 2009

Howard Liberman, Esq.  
Drinker Biddle & Reath, LLP  
1500 K Street NW, Suite 1100  
Washington, DC 20005-1209

Re: KGAB (AM), Cheyenne, Wyoming  
Facility Identification Number: 30224  
GAP Broadcasting Cheyenne License, LLC  
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed December 8, 2008<sup>1</sup>, on behalf of GAP Broadcasting Cheyenne License, LLC ("GAP"). GAP requests special temporary authority ("STA") to operate Station KGAB during nighttime hours with emergency antenna facilities pursuant to Section 73.1680.<sup>2</sup> In support of the request, GAP states that one of the station's towers was destroyed when a vehicle collided with a guy wire, and that it is operating at night with an emergency nondirectional antenna and reduced power pending replacement of the damaged tower.

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)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Accordingly, the request for STA IS HEREBY GRANTED. Station KGAB may operate during nighttime hours with an emergency nondirectional antenna and reduced power not to exceed 0.125 kilowatt. It will be necessary to reduce power or cease operation if complaints of interference are received. GAP must notify the Commission when licensed operation is restored. GAP 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 §

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<sup>1</sup> Processing of the request was delayed due to the use of an incorrect form. A request for operation with facilities at variance from the license, such as the instant request, is an "engineering" STA, as opposed to a "legal" STA. The "legal" category is reserved for operation with deleted facilities, main studio waiver requests, and other nontechnical matters.

<sup>2</sup> KGAB is licensed for operation on 650 kHz with 8.5 kW daytime and 0.5 kW nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

1.1310.

This authority expires on **April 12, 2009**.

**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 black ink, appearing to read "Charles N. Miller".

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: GAP Broadcasting Cheyenne License, LLC