

FEDERAL COMMUNICATIONS COMMISSION
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December 8, 2008

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

Re: Gap Broadcasting Victoria License, LLC
KIXS(FM), Victoria, Texas
Facility Identification Number: 25584
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed December 5, 2008, on behalf of Gap Broadcasting Victoria License, LLC ("GBV"). GBV requests special temporary authority ("STA") to operate Station KIXS with temporary facilities.¹ In support of the request, GBV states that it holds Construction Permit BPH-20080929AHH which authorizes replacement of its licensed antenna. GBV requests authority to operate from its licensed site with a temporary antenna at reduced effective radiated power and antenna height in order to facilitate the authorized antenna replacement work.

Section 73.1615, which governs operation during modification of facilities, provides that licensees holding construction permits for modification of directional or nondirectional FM and TV or nondirectional AM facilities may discontinue operation, may operate with temporary facilities to maintain, as nearly as possible, but not exceed, the size of the currently licensed coverage area. Such operation may commence upon notification to the FCC, and may continue for a period not exceeding 30 days. Should it be necessary to continue such operation beyond 30 days, a request for STA must be filed prior to the 30th day.

Accordingly, the request for STA IS HEREBY GRANTED. Station KIXS may operate with the following facilities:

Geographic coordinates:	28° 42' 24" N, 96° 50' 06" W (NAD 1927)
Channel	300 (107.9 MHz)
Effective radiated power:	12 kilowatts (H&V)
Antenna height:	
above ground:	84 meters
above mean sea level:	100 meters

¹ KIXS is licensed for operation on Channel 300C1 (107.9 MHz) with effective radiated power of 85 kilowatts (H&V) and antenna height above average terrain of 286 meters. Construction Permit BPH-20080929AHH authorizes an increase in ERP to 100 kW and a reduction in HAAT to 154 meters.

Above average terrain: 88 meters

GBV must notify the Commission when licensed operation is restored. GBV 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 **March 8, 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,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Gap Broadcasting Victoria License, LLC