

Dale Bickel

From: Dale Bickel
Sent: Thursday, September 21, 2023 7:55 AM
To: MONTE.PP@HOTMAIL.COM
Cc: Jay@ArkansasRocks.com
Subject: KGRW STA request 0000221165 DISMISSED 9/21/2023

Mr. Spearman:

Your September 20, 2023 request for Special Temporary Authority (STA), file number 0000221165, does not qualify for consideration and IS DISMISSED. You may refile the requested changes in the LMS database system as a construction permit application using Schedule (form) 301-FM. No changes may be made until after the FCC has granted a construction permit authorizing the changes.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

The limited exhibits attached to the STA request plainly show that an extension of the proposed 60 dBu contour would occur toward the northeast, as compared to the presently licensed 60 dBu service contour. This is not acceptable for an STA request.

Furthermore, 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 a construction permit application, nor is it a means by which a broadcaster may enhance a facility or make operation more convenient for the broadcaster. Here, no circumstances of any kind have been presented in this STA request that might warrant consideration.

Please file a construction permit application on Schedule 301-FM at your earliest opportunity. Processing time for such applications is presently running about six to eight weeks. There is information at the LMS Help Center <https://www.fcc.gov/media/radio/lms-help-center> that may be of use. I point out that no review has been done as to whether a construction permit application, with the requested parameters, would prove to be acceptable.

Dale Bickel
Senior Electronics Engineer
Audio Division, Media Bureau, FCC