

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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June 19, 2012

Harry C. Martin, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209-3801

Re: Community Broadcasting, Inc.
K209EC(FX), Kansas City, Missouri
Facility Identification Number: 92765
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed June 18, 2012, on behalf of Community Broadcasting, Inc. ("CBI"). CBI requests special temporary authority ("STA") to operate FM Translator K209EC with temporary facilities.¹ In support of the request, CBI states that K209EC has been off the air since June 29, 2011, and that the licensed site is no longer available. CBI requests STA for operation with temporary facilities in order to preserve the station's license until issues with the facilities authorized by Construction Permit BPFT-20111214ADM can be resolved.

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 service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing criteria.

Accordingly, the request for STA IS HEREBY GRANTED. Station K209EC may operate with the following facilities:

Geographic coordinates:	39° 05' 26" N, 94° 28' 18" W (NAD 1927)
Channel	209 (89.7 MHz)
Effective radiated power:	0.003 kilowatt (H&V)
Antenna height:	
above ground:	213 meters
above mean sea level:	482 meters
above average terrain:	219 meters

¹ K209EC is licensed for operation on Channel 209D (89.7 MHz) with effective radiated power ("ERP") of 0.205 kW (Max-DA, V only) and antenna height above average terrain ("HAAT") of 81 meters. Construction Permit BPFT-20111214ADM authorizes a change in frequency to Channel 225D (92.9 MHz), relocation of the transmitter, a decrease in ERP to 0.099 kW (H&V) and an increase in HAAT to 219 meters.

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

CBI 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. The action taken herein is without prejudice as to the Commission's final action with regard to any subsequently filed application for construction permit. Any construction undertaken pursuant to this authority is entirely at CBI's own risk.

This authority expires on **December 19, 2012**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also Public Notice, Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

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: Community Broadcasting, Inc.