

**FEDERAL COMMUNICATIONS COMMISSION**  
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June 25, 2008

John R. Wilner, Esq.  
Bryan Cave, LLP  
700 Thirteenth Street, NW, Suite 600  
Washington, DC 20005

Re: KTIS (AM), Minneapolis, Minnesota  
Facility Identification Number: 49770  
Northwestern College  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed June 23, 2008, on behalf of Northwestern College ("NWC"). NWC requests special temporary authority (STA) to operate Station KTIS with temporary facilities, pursuant to 47 CFR § 73.1615.<sup>1</sup> In particular, authority is requested for daytime-only, nondirectional operation with power of 6.25 kW. In support of the STA request, NWC states that it is commencing construction of modified facilities for Station KTIS as authorized by Construction Permit BMP-20070227ABR.

Section 73.1615, which governs operation during modification of facilities, provides that licensees holding construction permits for modification of nondirectional AM facilities may discontinue operation or may operate with temporary facilities to maintain, as nearly as possible, but not exceed, the size of the presently licensed coverage area. Our review indicates that the proposed STA operation complies with Section 73.1615.

Accordingly, the request for STA IS HEREBY GRANTED. Station KTIS may operate daytime hours only, employing a temporary nondirectional antenna and reduced power not to exceed 6.25 kW, only as necessary to facilitate the authorized construction. Authority also is granted for operation with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. It will be necessary to further reduce power or cease operation if complaints of interference are received. KTIS must use whatever means are necessary to protect workers and the public from exposure to radiofrequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

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<sup>1</sup> KTIS is licensed for operation on 900 kHz with 25 kW daytime and 0.3 kW nighttime, employing different directional antenna patterns daytime and nighttime (DA-2). Construction Permit BMP-20070227ABR authorizes an increase in operating power to 50 kW daytime and 0.5 kW nighttime, and changes to the daytime and nighttime directional patterns.

This authority expires on **September 25, 2008**.

**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 to that in which they are currently providing service. This raises a substantial question regarding spectrum efficiency and could be interpreted as "warehousing" of unused spectrum to the preclusion of other potential users seeking to provide additional broadcast service to the public.

Special Temporary Authorities by nature are to be temporary and are not intended for extended use. There are situations which may warrant extensions of special temporary authorities, and others which warrant no extensions. With this in mind, we caution stations operating under temporary authorities that timely restoration of permanent facilities is the responsibility of the licensee. Requests for extensions of special temporary authorities carry 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", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Northwestern College