

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/mb/audio/](http://www.fcc.gov/mb/audio/)

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March 19, 2015

Cochise Media Licenses LLC  
P.O. Box 11060  
Jackson, WY 83002

Re: KDVC(FM), Dove Creek, Colorado  
Cochise Media Licenses LLC  
Facility Identification Number: 164124  
Special Temporary Authority  
BSTA-20150303AAY

Dear Licensee:

This is in reference to the request filed March 3, 2015, on behalf of Cochise Media Licenses LLC ("CML"). CML requests special temporary authority ("STA") to operate Station KDVC with temporary facilities.<sup>1</sup> In support of the request, CML states that the licensed site is no longer available for use and that the station holds Construction Permit BPH-20090205ACK to relocate the station to Loma, which it has constructed and is awaiting the grant of program test authority for.<sup>2</sup> However, that facility cannot be granted program test authority at the present time, as we will now explain.

KDVC's construction permit to change community of license from Dove Creek, CO to Loma, CO contains a condition precluding program test operations at Loma, CO until a new station commences operations at Dove Creek.<sup>3</sup> CML had relied in the implementation of a new noncommercial educational station at Dove Creek (under the facility ID 174902), but that permittee did not follow through and allowed the permit to expire on January 29, 2012. CML then filed a construction permit application, file no. BPH-20121119AGS, along with a related petition for rulemaking to add a new commercial FM channel at Dove Creek, CO. The new allotment is included in upcoming Auction No. 98.<sup>4</sup>

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<sup>1</sup> KDVC is licensed to Dove Creek, Colorado, for operation on Channel 273C2 (102.5 MHz) with effective radiated power ("ERP") of 3.8 kilowatts (H&V) and antenna height above average terrain ("HAAT") of 319 meters. Construction Permit BPH-20090205ACK authorizes relocation of the station to Loma, Colorado, a downgrade to Class A and operation with ERP of 0.4 kilowatt and HAAT of 383 meters. Application BLH-20110427AAT, for license to cover the permit, is pending.

<sup>2</sup> This STA request mirrors a previous request granted March 28, 2012, in which CML apparently operated the STA for a few days at most, then went silent on April 2, 2012.

<sup>3</sup> This condition was required by Section 307(b) considerations, so that the community of Dove Creek would not lose its only broadcast service.

<sup>4</sup> *Auction of FM Construction Permits Scheduled for July 23, 2015; Comment Sought on Competitive Bidding Procedures for Auction 98*, Public Notice, AU Docket 15-3, DA 15-25, released March 16, 2015 at Appendix A.

We conclude that CML has taken all available steps toward restoring licensed operation to KDVC. And CML faces the loss of KDVC's license if it does not resume broadcasting on or before **March 30, 2015**. We find that grant of STA will serve the Public Interest by permitting CML to preserve its license.

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

Geographic coordinates:	37° 45' 58" N, 108° 54' 38" W (NAD 1927)
Channel	273 (102.5 MHz)
Effective radiated power:	0.005 kilowatt (H&V)
Antenna height:	
above ground:	3 meters
above mean sea level:	2088 meters
Above average terrain:	-19 meters

CML must notify the Commission when operation pursuant to this STA commences.<sup>5</sup> CML must use whatever means are necessary to protect workers and the public from radiofrequency exposure in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **September 15, 2015**.

**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 [ending March 30, 2015]. *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 (see Footnote 5).**

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**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.

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<sup>5</sup> This may be accomplished by an e-mail to Dale Bickel, [dale.bickel@fcc.gov](mailto:dale.bickel@fcc.gov). Additionally, a Notice of Resumption of Operations must also be filed in the CDBS electronic filing system.

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 "Dale Bickel".

Dale Bickel  
Senior Engineer  
Audio Division  
Media Bureau

cc: Susan A. Marshall (via e-mail only)