

**FEDERAL COMMUNICATIONS COMMISSION**  
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April 30, 2009

Jake Riehm, Esq.  
Wiley Rein LLP  
1776 K Street NW  
Washington, DC 20006

Re: Eagle Communications, Inc.  
KSKG(FM), Salina, Kansas  
Facility Identification Number: 58645  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed April 27, 2009, on behalf of Eagle Communications, Inc. ("ECI"). ECI requests special temporary authority ("STA") to operate Station KSKG with reduced power and antenna height.<sup>1</sup> In support of the request, ECI states that the station has experienced failure of its main antenna and is operating with a temporary antenna and standby transmitter.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna.

Accordingly, the request for STA IS HEREBY GRANTED. Station KSKG may continue to operate with reduced power and antenna height. ECI must notify the Commission when licensed operation is restored. ECI 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 **July 30, 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

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<sup>1</sup> KSKG is licensed for operation on Channel 260C1 (99.9 MHz) with effective radiated power of 100 kilowatts (H&V) and antenna height above average terrain of 174 meters.

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".

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Eagle Communications, Inc.