

SPECIAL TEMPORARY AUTHORITY – EXPLANATION

On September 29, 2005, CCR-Montrose IV, LLC (“CCR”), the licensee of broadcast station KKXX, Montrose, Colorado, submitted a request special temporary authority to operate KKXX with reduced power for approximately 90 days (File BSTA-20050929BHV).¹ CCR’s request for STA informed the Commission that KKXX was operating with reduced power at the instruction of the Bureau of Land Management (“BLM”), CCR’s landlord for KKXX’s transmitter site. CCR stated that it had received a Notice of Non-Compliance, Immediate Temporary Suspension from BLM notifying CCR that KKXX’s operation at its authorized 100 kW effective radiated power did not comply with BLM’s radiofrequency radiation policies.

In response to the BLM notice, CCR reduced KKXX’s ERP to 22 kW and began discussing options with BLM for KKXX to return to full-power operations. BLM indicated that CCR could return KKXX to its authorized power levels if CCR erected a chain-link fence to effectively exclude the public from the transmitter site. CCR had a third party construct the BLM required fence and that company completed construction of the fence. However, BLM has refused to permit KKXX to return to operations at 100 kW.

Although CCR constructed the fence as required by BLM, BLM determined that KKXX’s full-power authorizations will cause excessive RF exposure when third parties work on other stations located on nearby towers. BLM therefore requested that CCR adopt a RF Safety Plan for the temporary reduction of power for KKXX when workers must be in the area. CCR developed such a plan and has provided it to BLM. This plan states that when workers are in the area, CCR should be notified so that it can reduce KKXX’s power levels. CCR has committed to provide an external power indicator on KKXX’s transmitter building that will be illuminated when KKXX’s power is reduced so that workers are able to determine that it is safe to begin work. BLM has not yet approved this plan because CCR proposes to reduce KKXX’s authorized power through remote measures rather than by a manual reduction by personnel on site.

CCR continues to press BLM for consent to permit KKXX to return to full-power operations, but BLM so far has refused its permission. Because CCR has constructed the fence as required by BLM, and has presented BLM with an appropriate RF Safety Plan, it is solely within BLM’s control as to when KKXX may return to its authorized operating parameters. Accordingly, CCR requests special temporary authority to continue operating KKXX with an effective radiated power of 22 kW until such time as BLM approves KKXX’s return to full power operations.

¹ The Commission granted special temporary authority for KKXX’s reduced power operations on October 28, 2005, which authorization expired on January 28, 2006. It was just brought to CCR’s counsel’s attention that KKXX had not returned to full-power operations and that extension of STA was required.