

BOOTH, FRERET, IMLAY & TEPPER, P.C.

ATTORNEYS AT LAW

ROBERT M. BOOTH, JR. (1911-1981)
JULIAN P. FRERET (1918-1999)
CHRISTOPHER D. IMLAY
CARY S. TEPPER

BETHESDA OFFICE:
7900 WISCONSIN AVENUE, SUITE 304
BETHESDA, MD 20814-3628
TELEPHONE: (301) 718-1818
FACSIMILE: (301) 718-1820
TEPPERLAW@AOL.COM

SILVER SPRING OFFICE:
14356 CAPE MAY ROAD
SILVER SPRING, MD 20904-6011
TELEPHONE: (301) 384-5525
FACSIMILE: (301) 384-6384
BFITPC@AOL.COM

December 18, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.; Room TWD-204
Washington, D.C. 20554

Re: **KIDX-FM (87732)**
Ruidoso, NM

SECTION 73.1680 NOTIFICATION OF EMERGENCY ANTENNA OPERATIONS

Dear Ms. Dortch:

On behalf of **MTD, Inc.** ("MTD"), Licensee of **Radio Station KIDX-FM at Ruidoso, New Mexico**, we hereby provide § 73.1680 notification that KIDI-FM is currently operating with an emergency antenna system.

On December 8, 2009, the tower structure upon which KIDI-FM transmits collapsed during a windstorm. The radio station ceased broadcast operations at that time and a "Notification of Suspension of Operations" was subsequently filed on December 17, 2009.

Late last evening an emergency 60-foot antenna structure was erected at the licensed transmitting site for KIDI-FM and broadcast operations resumed with an ERP of 920 watts with a height of radiation center above ground level of 13.7 meters using a Nicom BKG-77 two bay full wavelength antenna.

Today a Request for Special Temporary Authority ("STA Request") was also electronically filed with the FCC so that these temporary operations may continue until such time as KIDI-FM can resume operations in concert with its FCC license. A copy of the STA Request is attached which provides all the details of the current operations, including RF Radiation compliance.

Should any questions arise concerning these matters, please contact the undersigned.

Sincerely,



Cary S. Tepper

cc: KIDX Public File
Jim Bradshaw (FCC – via email)
Dale Bickel (FCC – via email)

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0386 (July 2002)	FOR FCC USE ONLY
Engineering STA Read Instructions/FAQ before filling out form		FOR COMMISSION USE ONLY FILE NO. -

Section I - General Information

1.	Legal Name of the Applicant MTD, INC.		
	Mailing Address P.O. DRAWER 2010		
	City RUIDOSO DOWNS	State or Country (if foreign address) NM	Zip Code 88346 -
	Telephone Number (include area code) 5752589922		E-Mail Address (if available)
	FCC Registration No	Call Sign KIDX	Facility ID Number 87732
2.	Contact Representative (if other than licensee/permittee) CARY S. TEPPER, ESQ.		Firm or Company Name BOOTH, FRERET, IMLAY & TEPPER, P.C.
	Mailing Address 7900 WISCONSIN AVENUE SUITE 304		
	City BETHESDA	State or Country (if foreign address) MD	ZIP Code 20814 - 3628
	Telephone Number (include area code) 3017181818		E-Mail Address (if available) TEPPERLAW@AOL.COM
3.	Purpose: <input checked="" type="radio"/> Engineering STA <input type="radio"/> Extension of Existing Engineering STA <input type="radio"/> Legal STA <input type="radio"/> Extension of Existing Legal STA		
4.	Service: FM		
5.	Community of License: City: RUIDOSO State: NM		
6.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial Educational Licensee/Permittee <input type="radio"/> Other <input checked="" type="radio"/> N/A (Fee Required)		

TECHNICAL SPECIFICATIONS
Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX	
7.0.	STA is requested for use of <input type="radio"/> Licensed Antenna system with: <input type="radio"/> Reduced power <input type="radio"/> Reduced hours of operation

<https://licensing.fcc.gov/cgi-bin/ws.exe/prod/cdb/forms/prod/cdbsmenu.hts?context=25...> 12/18/2009

	other than authorized technical facilities, please specify the exact facilities sought.	
9.	Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No

I certify that I have prepared Engineering Data on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name		Relationship to Applicant (e.g., Consulting Engineer)	
JEFFERSON G. BROCK		TECHNICAL CONSULTANT	
Signature		Date (mm/dd/yyyy)	
		12/17/2009	
Mailing Address			
GRAHAM BROCK, INC.			
P.O. BOX 24466			
City		State or Country (if foreign address)	Zip Code
ST. SIMONS ISLAND		GA	31522 -
Telephone Number (No dashes or parentheses, include area code)		E-Mail Address (if available)	
9126388028		JEFF@GRAHAMBROCK.COM	

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing		Typed or Printed Title of Person Signing	
ANN MCGOVERN		PRESIDENT	
Signature		Date (mm/dd/yyyy)	
		12/18/2009	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 3
Description: ENVIRONMENTAL PROTECTION ACT

SEE ATTACHED RADIO FREQUENCY RADIATION ASSESSMENT

Attachment 3

Description
Radio Frequency Radiatio Assessment

Exhibit 4
Description: EXTRAORDINARY CIRCUMSTANCES

PLEASE SEE ATTACHED TECHNICAL STATEMENT. ALSO ATTACHED PLEASE FIND A COPY OF THE 'NOTIFICATION OF SUSPENSION OF OPERATIONS' THAT WAS FILED ON DECEMBER 17, 2009 FOR KIDX-FM.

Attachment 4

--

Description
Technical Statement
Copy of Notification of Suspension of Operations filed December 17, 2009

REQUEST FOR SPECIAL TEMPORARY AUTHORIZATION
MTD, INC.
KIDX (FM) RADIO STATION
RUIDOSO, NEW MEXICO
December 2009

Radio Frequency Radiation Assessment

A study has been made to determine whether this proposal is in compliance with 47 C.F.R. §1.1307 of the Commission's rules and with OET Bulletin #65, dated August 1997 ("Bulletin"), regarding human exposure to radio frequency radiation in the vicinity of broadcast towers. As the proposed KIDX STA antenna is being mounted on a relatively short tower, which is located in a defacto tower farm with other facilities, it was not possible to use the worksheets to verify that the proposed KIDX STA facility is in compliance with the Commission's radio frequency exposure limits. This study utilizes the appropriate formulas contained in the OET Bulletin.¹

It is noted that the licensed and proposed KIDX STA site is located at the Buck Mountain Communications Site located in the Lincoln National Forest. The site is the location of several towers located at the top of Buck Mountain. The site is accessed by driving on a switchback road. The distance from the last hard surface road to the site is approximately 4.0 kilometers (2.5 miles) by road, but is 0.8 kilometer (0.49 mile) from the closest point of public access. At the base of the access road, there is a locked gate preventing access to the site by the general public. If not on the road, access beyond the gate is not feasible due to foliage and the nature of the terrain from the gate up to the tower site. Access to the site requires a permit from the U.S.

1) The contributions of the FM facilities were calculated using the FMModel program. A single bay EPA dipole antenna was used for calculation purposes, unless otherwise indicated.

Forest Service and a key which is only available from the Forest Service. Therefore, only authorized technicians or persons trained in RF environments are allowed access beyond the gated point. Therefore, the contribution for uncontrolled exposure will be calculated at the closest point at the gated access point, which is the closest the public can get to the site.²

Controlled exposure will be calculated at the base of the KIDX tower.

The proposed KIDX STA antenna system is to be mounted with its center of radiation 13.7 meters (45.0 feet) above the ground at the tower location and will operate with an effective radiated power of 0.92 kilowatt in the horizontal and vertical planes (circularly polarized). The proposed KIDX antenna is a Nicom BKG-77 two bay full wavelength system (FCC/EPA Type #1). At 2.0 meters above the ground at the base of the tower, the height of an average person, the KIDX STA antenna system in the controlled environment will contribute 0.2670 mw/cm^2 .³ This represents a contributions of 26.7% of the allowable limit, which is reached at 2.0 meters above the ground at the base of the tower. For uncontrolled environments, at a distance 0.8 kilometer (0.49 mile) from the base of the tower at the gated access point, the KIDX STA antenna will contribute 0.00009 mw/cm^2 , which is less than 0.1 % of the ANSI limit for uncontrolled environments.

Since this level for both the controlled and uncontrolled environments is less than the limit defined by the Commission, this proposal is believed to be in compliance with the radio frequency radiation exposure limits, as required by the Federal Communications Commission.

-
- 2) This point is near the basin of the Ski Apache ski area. The gated access point is located a short distance away, but is slightly further than the Ski Apache basin.
 - 3) This level of field occurs at 3.0 meters out from the base of the tower and is considered worst case.

MTD will post warning signs have been posted in the vicinity of the tower warning of potential radio frequency radiation hazards at the site. In addition, MTD will reduce the power of the facility or cease operation in cooperation and coordination with other tower users, as necessary, to protect persons having access to the site, tower, or antenna from radio frequency radiation in excess of FCC guidelines.

REQUEST FOR SPECIAL TEMPORARY AUTHORIZATION
MTD, INC.
KIDX (FM) RADIO STATION
RUIDOSO, NEW MEXICO
December 2009

TECHNICAL STATEMENT

This technical statement and associated exhibits were prepared on behalf of MTD, Inc. ("MTD"), licensee of KIDX, Channel 268C2, Ruidoso, New Mexico. The tower on which the KIDX antenna system was mounted collapsed last week during a wind and ice storm and the KIDX antenna was destroyed. MTD, therefore, requests Special Temporary Authority ("STA") to operate KIDX at its licensed site, with an antenna installed lower on the tower than the licensed antenna system, but with the full licensed power of 0.92 kilowatt effective radiated power.

A temporary tower of 60 feet in height is/has been installed at the licensed location.¹ A replacement two bay antenna is to be installed 45 feet above ground on the temporary structure. The proposed STA facility will allow the station to return to the air with virtually the same coverage as the licensed facility.

As the antenna is located on a relatively short tower, the Commission's RF exposure worksheets could not be used to certify compliance with the limits. Therefore, attached as Exhibit #3 is a study which shows the KIDX STA antenna is in compliance with the Commission regulations.

1) The licensed KIDX tower is 144 feet above ground.

This submission was prepared on behalf of MTD, Inc., by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge.

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0386 (July 2002)	FOR FCC USE ONLY
Notification of Suspension of Operations Read Instructions/FAQ before filling out form		FOR COMMISSION USE ONLY FILE NO.

Section I - General Information

1.	Legal Name of the Applicant MTD, INC.		
	Mailing Address P.O. DRAWER 2010		
	City RUIDOSO DOWNS	State or Country (if foreign address) NM	Zip Code 88346 -
	Telephone Number (include area code) 5752589922		E-Mail Address (if available)
	Call Sign KIDX	Facility ID Number 87732	
2.	Contact Representative (if other than licensee/permittee) CARY S. TEPPER, ESQ.		Firm or Company Name BOOTH, FRERET, IMLAY & TEPPER, P.C.
	Mailing Address 7900 WISCONSIN AVENUE SUITE 304		
	City BETHESDA	State or Country (if foreign address) MD	ZIP Code 20814 - 3628
	Telephone Number (include area code) 3017181818		E-Mail Address (if available) TEPPERLAW@AOL.COM
3.	Purpose: <input checked="" type="radio"/> Notification of Suspension of Operations <input type="radio"/> Notification of Suspension of Operations and Request for Silent STA <input type="radio"/> Request for Silent STA <input type="radio"/> Request to Extend STA <input type="radio"/> Resumption of Operations		
4.	Community of License: City: RUIDOSO State: NM		
5.	Reason for going silent: <input checked="" type="radio"/> Technical <input type="radio"/> Financing <input type="radio"/> Staffing <input type="radio"/> Program Source <input type="radio"/> Other		
6.	Please provide a justification for the request	[Exhibit 4]	
7.	Date Station will go silent: 12/08/2009 (mm/dd/yyyy)		
8.	Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.		<input checked="" type="radio"/> Yes <input type="radio"/> No

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing ANN MCGOVERN	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date (mm/dd/yyyy) 12/17/2009

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 4

Description: EXPLANATION OF OFF-AIR CIRCUMSTANCES

ON DECEMBER 8, 2009 A WINDSTORM CAUSED THE KIDX-FM TOWER STRUCTURE TO COLLAPSE. THE TOWER STRUCTURE IS LOCATED IN A MOUNTAINOUS AREA THAT IS CURRENTLY EXPERIENCING WINTER WEATHER CONDITIONS.

CONSULTANTS FOR MTD, INC. WILL SOON ATTEMPT TO CONSTRUCT A TEMPORARY TOWER STRUCUTRE AT THAT EXACT SAME LOCATION, AND WE ARE HOPEFUL THAT A REQUEST FOR SPECIAL TEMPORARY AUTHORITY WILL SOON BE FILED IN ORDER TO RESTORE SOME LEVEL OF BROADCAST SERVICE FOR KIDX-FM.

Attachment 4

FCC MB - CDBS Electronic Filing
Application Reference Number: 20091218ACC
Successfully filed at Dec 18 2009 1:35PM

A Fee Payment is Required for this application. The Total Fee is \$170.

You can use the FCC's Electronic Form 159 System to pay electronically and/or to print out an appropriate Form 159. Press the button below now or return to this screen later by pressing the "Pay Fee" button on the CDBS Main Menu/ Informal Menu. See the [CDBS User's Guide](#) for more information about fee payment.

[Electronic Form 159](#) [Return to Informal Menu](#) [Logout](#)

Payment must be received by US Bank within 14 (calendar) days of the date that the application is officially received by the Media Bureau's electronic filing system (indicated by the reference number above). This deadline applies to any payment submission method (electronic or via a paper check). If payment is not received in time, the filed application will be considered to be **not paid** and will therefore not be processed by the MB.

Remittance ID:1707846 Authorization
Number:09491A
Successful Authorization -- Date Paid: 12/18/09
FILE COPY ONLY!!

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING (1) LOCKBOX #979089	FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE FORM 159 PAGE NO 1 OF 1	APPROVED BY OMB 3060-059 SPECIAL USE FCC USE ONLY
SECTION A - Payer Information		
(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) Timothy S Keithley		(3) TOTAL AMOUNT PAID (dollars and cents) \$170.00
(4) STREET ADDRESS LINE NO. 1 1086 Mechem Drive		
(5) STREET ADDRESS LINE NO. 2		
(6) CITY Ruidoso		(7) STATE NM
		(8) ZIP CODE 88345
(9) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) 575-2589922		(10) COUNTRY CODE (IF NOT IN U.S.A.) US
FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED		
(11) PAYER (FRN) 0019423417		(12) FCC USE ONLY
IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)		
(13) APPLICANT NAME MTD, INC.		
(14) STREET ADDRESS LINE NO. 1 P.O. DRAWER 2010		
(15) STREET ADDRESS LINE NO. 2		
(16) CITY RUIDOSO DOWNS		(17) STATE NM
		(18) ZIP CODE 88346-
(19) DAYTIME TELEPHONE NUMBER (INCLUDING AREA CODE) 5752589922		(20) COUNTRY CODE (IF NOT IN U.S.A.) USA
FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED		
(21) APPLICANT (FRN) 0003779220		(22) FCC USE ONLY
COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET		
(23A) FCC Call Sign/Other ID KIDX		(24A) Payment Type Code(PTC) MGR
(26A) Fee Due for (PTC) \$170.00		(25A) Quantity 1
		(27A) Total Fee \$170.00
(28A) FCC CODE 1 87732		(28B) FCC CODE 2 CDBS20091218ACC
(23B) FCC Call Sign/Other ID		(24B) Payment Type Code(PTC)
(26B) Fee Due for (PTC)		(25B) Quantity
		(27B) Total Fee
(28B) FCC CODE 1		(28C) FCC CODE 2