

CNM

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

**MAILED**

**AUG 26 2009**

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August 24, 2009

Mark N. Lipp, Esq.  
Wiley Rein LLP  
1776 K Street NW  
Washington, DC 20006

Re: Cumulus Licensing LLC  
KOAI (AM), Van Buren, Arkansas  
Facility Identification Number: 37828  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed August 21, 2009, on behalf of Cumulus Licensing LLC ("Cumulus"). Cumulus requests special temporary authority ("STA") to operate Station KOAI with emergency antenna facilities pursuant to Section 73.1680.<sup>1</sup> In support of the request, Cumulus states that the station's antenna system was damaged by lightning. Cumulus states that repairs have been made; however, it is waiting for test equipment to be delivered to the site so that the directional antenna can be adjusted and measurements taken.

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)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Our review indicates that the request complies with Section 73.1680, and STA will be granted as requested. In order to accommodate the process of restoring licensed operation, STA also is granted for operation with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.

Accordingly, the request for STA IS HEREBY GRANTED. Station KOAI may operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Operation with an emergency nondirectional antenna and reduced power not to exceed 0.125 kilowatt also is authorized, only as necessary to facilitate restoration of licensed operation. It will be necessary to further reduce power or cease operation if complaints of interference are received. Cumulus must notify the Commission when licensed operation is restored.<sup>2</sup> Cumulus

<sup>1</sup> KOAI is licensed for operation on 1060 kHz with 0.5 kilowatt, daytime hours only, employing a directional antenna (DA-D-D).

<sup>2</sup> See 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

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 **November 24, 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 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,



Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Cumulus Licensing LLC