

FEDERAL COMMUNICATIONS COMMISSION
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April 28, 2009

Susan A. Marshall, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209

Re: KKYZ(FM), Sierra Vista, Arizona
Facility Identification Number: 2185
Cochise Broadcasting, LLC
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed April 27, 2009, on behalf of Cochise Broadcasting, LLC ("Cochise"), licensee of Station KKYZ(FM), Sierra Vista, Arizona. Cochise requests special temporary authority ("STA") to operate Station KKYZ from a site other than the licensed site.¹ In support of the request, Cochise states that the owner of the licensed tower has given notice that it intends to dismantle the tower. Cochise states that the Commission has approved a change in community of license and that it has an application pending before the Commission to implement the change (see Note 1, below.)

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed operation meets the STA criteria.

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

Geographic coordinates:	31° 32' 55" N, 110° 14' 40" W (NAD 1927)
Channel	269 (101.7 MHz)
Effective radiated power:	1.4 kilowatts (H&V)
Antenna height:	

¹ Station KKYZ is licensed to Sierra Vista, Arizona, for operation on Channel 269A (101.7 MHz) with effective radiated power ("ERP") of 3 kilowatts (H&V), and antenna height above average terrain ("HAAT") of 100 meters. Application BMPH-20051003CCZ proposes a change in community of license to Tanque Verde, relocation of the transmitter, a class upgrade to Class C3, and operation with ERP of 24 kilowatts (Max-DA, H&V) at HAAT of 49 meters, employing a directional antenna.

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

above ground:	50 meters
above mean sea level:	1399 meters
Above average terrain:	6 meters

Prior to installation of the antenna authorized herein, Cochise must notify Station KNXN(AM) so that KNXN may commence operation by the indirect method of determining operating power. Cochise 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 **October 28, 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: Cochise Broadcasting, LLC