

FEDERAL COMMUNICATIONS COMMISSION
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December 15, 2010

John R. Wilner, Esq.
Bryan Cave, LLP
700 Thirteenth Street, NW, Suite 600
Washington, DC 20005

Re: KTIS (AM), Minneapolis, Minnesota
Facility Identification Number: 49770
Northwestern College
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed December 14, 2010, on behalf of Northwestern College ("NWC"). NWC requests special temporary authority (STA) to operate Station KTIS during daytime hours with reduced power.¹ In support of the request, NWC states that a defective component in the daytime phasing equipment causes an out-of-tolerance phase at Tower #1 at full power, but that there are no issues when operating with 50% power.

Section 73.1560(d), which governs reduced power operation, states:

In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (see Section 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.

Our review indicates that the request complies with Section 73.1560(d).

Accordingly, the request for STA IS HEREBY GRANTED. Station KTIS may operate during daytime hours reduced power. It will be necessary to further reduce power or cease operation if complaints of interference are received. KTIS must use whatever means are necessary to protect workers and the public from exposure to radiofrequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

¹ KTIS is licensed for operation on 900 kHz with 50 kW daytime and 0.5 kW nighttime, employing different directional patterns daytime and nighttime (DA-2-U).

This authority expires on **March 15, 2011**.

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 to that in which they are currently providing service. This raises a substantial question regarding spectrum efficiency and could be interpreted as "warehousing" of unused spectrum to the preclusion of other potential users seeking to provide additional broadcast service to the public.

Special Temporary Authorities by nature are to be temporary and are not intended for extended use. There are situations which may warrant extensions of special temporary authorities, and others which warrant no extensions. With this in mind, we caution stations operating under temporary authorities that timely restoration of permanent facilities is the responsibility of the licensee. Requests for extensions of special temporary authorities carry 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: Northwestern College