

FEDERAL COMMUNICATIONS COMMISSION
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February 2, 2011

Peter Tannenwald, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209-3801

Re: Center for Communication and Development
KMOJ(FM), Minneapolis, Minnesota
Facility Identification Number: 14679
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed January 31, 2011, on behalf of Center for Communication and Development ("CCD"). CCD requests special temporary authority ("STA") to operate Station KMOJ with temporary facilities.¹ In support of the request, CCD states that it completed construction of modified facilities as authorized by Construction Permit BMPED-20100204ADM and filed Application BLED-20101227AAG, for license to cover the permit. However, the surveyor's certificate for the authorized directional antenna indicated that the tower coordinates and elevation data were incorrect.² CCD further states that the tower owner has initiated the necessary steps to correct the tower registration, and that it will file an application to modify the construction permit as soon as the registration is corrected. In the meantime, CCD states that its current operation with 3.1 kilowatts pursuant to Section 73.1620(a)(2) is a serious burden to the station.

Our review indicates that CCD apparently acted in good faith to construct its modified facilities as authorized, and that the slight discrepancies in coordinates and elevation data are unlikely to result in any adverse effect on any other station. Also, the permit site is significantly farther from the community of license than the formerly licensed site; thus, operation with the requested 5.4 kilowatts will provide better coverage of the community than continued operation with 3.1 kilowatts. In addition, the process of obtaining FAA approval for the corrected tower data and a modified construction permit will delay grant of the license application and/or grant of full-power program test authority. Under the foregoing circumstances, we find that the Public Interest would be served by grant of the requested STA.

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

Geographic coordinates: 45° 04' 07" N, 93° 10' 34" W (NAD 1927)

¹ KMOJ is licensed for operation on Channel 210A (89.9 MHz) with effective radiated power ("ERP") of 1 kilowatt (H&V) and antenna height above average terrain ("HAAT") of 24 meters.. Construction Permit BMPED-20100204ADM authorizes an upgrade to Class C3, relocation of the transmitter and operation with ERP of 6.2 kW (Max-DA, H&V) and HAAT of 116 meters. Application BLED-20101227AAG, for license to cover the permit, is on file. Because the authorized construction is complete and an application for license is on file, the permit facilities are considered as the licensed facilities for STA purposes.

² The discrepancy in tower coordinates was observed by FCC staff in the course of processing the license application.

Channel	210 (89.9 MHz)
Effective radiated power:	5.4 kilowatts (Max-DA, H&V)
Antenna height:	
above ground:	116 meters
above mean sea level:	397 meters
above average terrain:	124 meters

It is anticipated that an application for modification of construction permit will be filed in the near future. CCD 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 **August 2, 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 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: Center for Communication and Development