

**FEDERAL COMMUNICATIONS COMMISSION**  
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February 27, 2008

Dorann Bunkin, Esq.  
Wiley Rein LLP  
1776 K Street NW  
Washington, DC 20006

Re: KPOI-FM, Honolulu, Hawaii  
Facility Identification Number: 33450  
Visionary Related Entertainment LLC  
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed February 22, 2008, on behalf of Visionary Related Entertainment LLC ("VRE"). VRE requests special temporary authority ("STA") to operate Station KPOI-FM with emergency antenna facilities pursuant to Section 73.1680.<sup>1</sup> In support of the request, VRE states that the lower half of the licensed panel array antenna has failed, and requests STA for operation with the upper half of the licensed antenna.

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)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna.

Accordingly, the request for STA IS HEREBY GRANTED. Station KPOI-FM may operate with emergency antenna facilities as discussed above. VRE shall coordinate its emergency operation with the Commission's Honolulu monitoring station, and must reduce power as necessary to meet the field strength limit specified by the monitoring station. VRE must notify the Commission when licensed operation is restored. VRE 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 27, 2008**.

**STA Advisory:** Section 309(f) of the Communications Act of 1934, as amended, authorizes the

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<sup>1</sup> KPOI-FM is licensed for operation on Channel 290C (105.9 MHz) with effective radiated power of 100 kW (H), 81 kW(V), (Max-DA), and antenna height above average terrain of 599 meters.

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,

A handwritten signature in black ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Visionary Related Entertainment LLC