

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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May 12, 2009

Lawrence M. Miller, Esq.
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Suite 610 The Lion Building
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Washington, DC 20036-7322

Re: Oregon Public Broadcasting
K219FJ (FX), Gleneden Beach, Oregon
Facility Identification Number: 50615
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed May 11, 2009, on behalf of Oregon Public Broadcasting ("UPB"). UPB requests special temporary authority ("STA") to operate FM Translator Station K219FJ with temporary facilities.¹ In support of the request, UPB states that the station has been off the air since May 13, 2008. UPB seeks STA for operation from the licensed site with reduced antenna height and power.

Our review indicates that the Public Interest would be served through grant of the requested STA.

Accordingly, the request for STA IS HEREBY GRANTED. Station K219FJ may operate with the following facilities:

Geographic coordinates:	44° 53' 8" N, 124° 0' 51" W (NAD 1927)
Channel	219 (91.7 MHz)
Effective radiated power:	0.012 kilowatt (H&V)
Antenna height:	
above ground:	9 meters
above mean sea level:	96 meters
Above average terrain:	5 meters

UPB must notify the Commission when licensed operation is restored. UPB 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.

¹ K219FJ is licensed for operation on Channel 219D (91.7 MHz) with effective radiated power of 0.205 kilowatt (H&V) and antenna height above average terrain of 20 meters.

This authority expires on **November 12, 2009**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also Public Notice, Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

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: Oregon Public Broadcasting