

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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June 9, 2009

Barry A. Friedman, Esq.
Thompson Hine LLP
1920 N Street NW, Suite 800
Washington, DC 20036-1600

Re: KVGS (FM), Meadview, Arizona
Facility Identification Number: 25752
RBG Las Vegas Licenses, LLC
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed June 8, 2009, on behalf of RBG Las Vegas Licenses, LLC ("RBG"). RBG requests special temporary authority ("STA") to operate Station KVGS with the licensed facilities of FM Booster KVGS-FM1. In support of the request, RBG states that it is in the process of constructing modified KVGS facilities authorized by Construction Permit BPH-20070122ALT, and will be relocating the station's transmitter from the currently licensed site to the permit site. In order to maintain operation during the transition, RBG proposes operation via the booster.

Section 73.1615, which governs operation during modification of facilities, provides that licensees holding construction permits for modification of directional or nondirectional FM and TV or nondirectional AM facilities may discontinue operation, may operate with temporary facilities to maintain, as nearly as possible, but not exceed, the size of the currently licensed coverage area. Such operation may commence upon notification to the FCC, and may continue for a period not exceeding 30 days. Should it be necessary to continue such operation beyond 30 days, a request for STA must be filed prior to the 30th day. Our review indicates that the proposed operation complies with Section 73.1615.

Accordingly, the request for STA IS HEREBY GRANTED. Station KVGS may operate with the licensed facilities of FM Booster KVGS-FM1. RBG 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 **September 9, 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,

A handwritten signature in blue 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: RBG Las Vegas Licenses, LLC