

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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October 13, 2009

James Withers
Engineering Manager
Pacific Broadcasting of Missouri LLC
1921 Crampton Court
Chesterfield, Missouri 63017

Re: KTKY(FM), Refugio, Texas
Facility Identification Number: 40798
Pacific Broadcasting of Missouri LLC
Special Temporary Authorization

Dear Mr. Withers:

This is in reference to the request filed October 9, 2009, on behalf of Pacific Broadcasting of Missouri LLC (PBM). PBM requests special temporary authority (STA) to operate Station KTKY from a site other than the licensed site.¹ In support of the request, PBM states that Station KTKY has been off the air due to catastrophic technical failure. PBM further states that it has been issued a construction permit to relocate the station to Taft, Texas, and that it is proceeding expeditiously to construct the permit facilities. In the interim, PBM requests STA for operation with the same temporary facilities previously authorized.

Our records indicate that Station KTKY has been silent since November 10, 2008, and thus faces the loss of its license if it does not resume broadcasting on or before November 10, 2009. Our records also indicate that PBM holds Construction Permit BPH-20000613AAF which authorizes the station to upgrade its facilities from channel 291C3 to Channel 293C2 and to change its community of license from Refugio to Taft, Texas (See Note 1, below), and that the proposed STA facilities are the same as have been previously authorized.

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

Geographic coordinates:	28° 18' 35" N, 97° 16' 26" W (NAD 1927)
Channel	291 (106.1 MHz)

¹ KTKY is licensed to Refugio, Texas, for operation on Channel 291C3 (106.1 MHz) with effective radiated power (ERP) of 25 kilowatts (H&V) and antenna height above average terrain (HAAT) of 100 meters. Construction Permit BPH-20000613AAF authorizes relocation of the transmitter, a change in the community of license to Taft, Texas, an upgrade to Channel 293C2 (106.5 MHz), an increase in ERP to 50 kilowatts (H&V) and an increase in the HAAT to 136 meters.

Effective radiated power:	0.15 kilowatt (H&V)
Antenna height:	
above ground:	12 meters
above mean sea level:	30 meters
above average terrain:	14 meters

PBM must notify the Commission when licensed operation is restored. PBM 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 **April 13, 2010**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law unless it resumes broadcast operations on or before November 10, 2009. *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,

A handwritten signature in blue ink, appearing to read "Charles N. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Pacific Broadcasting of Missouri LLC