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October 21, 2009

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

Re: San Jose State University  
KSJS(FM), San Jose, California  
Facility Identification Number: 58845  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed October 16, 2009, on behalf of San Jose State University ("SJSU"). SJSU requests special temporary authority ("STA") to operate Station KSJS with emergency antenna facilities pursuant to Section 73.1680.<sup>1</sup> In support of the request, SJSU states that the licensed antenna was damaged by a storm. SJSU states that it has restored operation with an emergency antenna mounted at a lower elevation on the licensed tower.

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.

Our review indicates that the proposed STA operation with 250 watts would result in substantial extension of the 60 dBu contour toward the southeast. However, if the power is reduced to 160 watts, the extension would be eliminated. STA will be granted with a power reduction to 160 watts.<sup>2</sup>

Accordingly, the request for STA IS HEREBY GRANTED, with a power reduction as discussed above. Station KSJS may operate with the following facilities:

Geographic coordinates:	37° 12' 33" N, 121° 46' 30" W (NAD 1927)
Channel	213 (90.5 MHz)
Effective radiated power:	<b>0.16 kilowatt</b> (V only)
Antenna manufacturer and type:	Scala, model GP-150, nondirectional
Antenna height:	
above ground:	4 meters

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<sup>1</sup> KSJS is licensed for operation on Channel 213A (90.5 MHz) with effective radiated power of 1.5 kilowatts (Max-DA, H&V) and antenna height above average terrain of 144 meters.

<sup>2</sup> Because the Scala, model GP-150 emergency antenna has unity gain and the transmission line is relatively short, the effective radiated power is assumed to be the same as the transmitter output power.

above mean sea level: 356 meters  
Above average terrain: 104 meters

SJSU must notify the Commission when licensed operation is restored. SJSU 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 **January 21, 2010**.

**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: San Jose State University