

FEDERAL COMMUNICATIONS COMMISSION
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May 7, 2010

Karen A. Ross, Esq.
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 200
Washington, DC 20006-3402

Re: Educational Media Foundation
KLVK(FM), Fountain Hills, Arizona
Facility Identification Number: 76329
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed May 3, 2010, on behalf of Educational Media Foundation ("EMF"). EMF requests special temporary authority ("STA") for continued operation of Station KLVK with temporary facilities pursuant to Section 73.1615.¹ In support of the request, EMF states that it holds Construction Permit BMPED-20090908ADO, for relocation of the KVLK antenna; however, circumstances have delayed implementation of the permit. In the interim, auxiliary antenna construction for Station KZAI is planned for the currently licensed KVLK site. In order to accommodate the planned work, KVLK has installed a temporary antenna on the licensed tower, and requests STA for continued use of the temporary facilities.

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.

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

Geographic coordinates:	33° 29' 33" N, 111° 38' 23" W (NAD 1927)
Channel	206 (89.1 MHz)
Effective radiated power:	0.447 kilowatt (H&V)
Antenna height:	
above ground:	16 meters

¹ KLVK is licensed for operation on Channel 206C3 (89.1 MHz) with effective radiated power ("ERP") of 2.5 kW (V only) and antenna height above average terrain ("HAAT") of 285 meters. Construction Permit BMPED-20090908ADO authorizes an upgrade to Class C0, relocation of the transmitter and operation with ERP of 30 kW (Max-BT, DA, H&V) and HAAT of 703 meters.

above mean sea level: 778 meters
Above average terrain: 266 meters

EMF 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 **November 7, 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: Educational Media Foundation