

FEDERAL COMMUNICATIONS COMMISSION
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August 30, 2010

John M. Burgett, Esq.
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

Re: Regents of New Mexico State University
KRWG(FM), Las Cruces, New Mexico
Facility Identification Number: 55515
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed August 27, 2010, on behalf of Regents of New Mexico State University ("NMSU"). NMSU requests special temporary authority ("STA") to operate Station KRWG with temporary facilities.¹ In support of the request, NMSU states that maintenance work is being performed on the licensed tower and that the main KWRG facility is being taken off the air to ensure worker safety. NMSU requests STA for operation with a temporary antenna at the studio location, with reduced power and antenna height.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing criteria.

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

Geographic coordinates:	32° 16' 58" N, 106° 44' 59" W (NAD 1927)
Channel	214 (90.7 MHz)
Effective radiated power:	0.04 kilowatt (Max-DA, H only)
Antenna manufacturer and type:	Scala, CL-FM, directional
Antenna orientation:	310° True
Antenna height:	

¹ KRWG is licensed for operation on Channel 214C1 (90.7 MHz) with effective radiated power of 100 kilowatts (H&V) and antenna height above average terrain of 107 meters.

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

above ground: 9.2 meters
above mean sea level: 1208 meters
Above average terrain: -62 meters

NMSU must notify the Commission when licensed operation is restored. NMSU 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 30, 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: Regents of New Mexico State University