

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
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September 23, 2010

Lee J. Peltzman, Esq.  
Shainis & Peltzman  
1850 M Street NW, Suite 240  
Washington, DC 20036

Re: Educational Communications of Colorado Springs, Inc.  
K234AJ(FX), Colorado Springs, Colorado  
Facility Identification Number: 139095  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed September 22, 2010, on behalf of Educational Communications of Colorado Springs, Inc. ("ECCS"). ECCS requests special temporary authority ("STA") to operate FM Translator K234AJ with temporary facilities.<sup>1</sup> In support of the request, ECCS states that, despite its best efforts, it has been unable to produce a workable HD feed for the translator; thus, K234AJ cannot function as specified in its license. ECCS seeks STA to return to its previous status, and has filed Application BPFT-20100830AAJ to address these technical changes. ECCS states that it has been on the air several years rebroadcasting the programming of KCFP and has over a thousand loyal listeners, and that grant of the requested STA will allow this service to continue.

Our review indicates that the facilities proposed in the STA request and pending application are substantially the same as were formerly licensed in File No. BLFT-20060830AAJ. Because ECCS has been unable to implement the modified technical facilities authorized by Construction Permit BPFT-20100410AAO and License BLFT-20100802AJT, it is seeking STA to revert to its formerly licensed facilities. Because it would permit the continuation of an established service during the pendency of the application for construction permit, we find that the Public Interest would be served by grant of the requested STA, with conditions.

Accordingly, the request for STA IS HEREBY GRANTED. Station K234AJ may operate with the following facilities:

Geographic coordinates:	38° 53' 10" N, 104° 53' 24" W (NAD 1927)
Channel	234 (94.7 MHz)
Effective radiated power:	0.019 kilowatt (H&V)
Antenna manufacturer and type:	Nicom, model BKG77, nondirectional
Antenna height:	
above ground:	3 meters
above mean sea level:	2213 meters

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<sup>1</sup> K234AJ is licensed for operation on Channel 234D (94.7 MHz) with effective radiated power of 0.083 kilowatt (H&V) and antenna height above average terrain of -101 meters.

above average terrain: -101 meters  
Primary station: KCFP(FM), Pueblo, Colorado

ECCS must notify the Commission when licensed operation is restored. ECCS 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. The authority granted herein is without prejudice as to the Commission's final action on Application BPFT-20100830AAJ. Any construction undertaken pursuant to this authority is entirely at ECCS's own risk.

This authority expires on **March 23, 2011**.

**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 Communications of Colorado Springs, Inc.