

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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October 25, 2010

Suzanne E. Rogers, Esq.
455 Capitol Mall, Suite 210
Sacramento, California 95814

Re: Airen Broadcasting Company
KZCC(FM), Trinidad, California
Facility Identification Number: 164090
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed October 22, 2010, on behalf of Airen Broadcasting Company ("Airen"). Airen requests modification and further extension of the special temporary authority ("STA") originally granted on December 9, 2008, to operate Station KZCC with the facilities specified in Construction Permit BMPH-20070523ADS.¹

In support of the request, Airen states that the subject STA was issued by a letter decision involving Stations KZCC, KMDR and KNHT,² "until such time as KMDR(FM) is ready to initiate program tests on Channel 236C3..." and that Station KMDR is precluded from commencing operation on Channel 299C3 until Station KNHT moves to Channel 273C2. Airen states that, to its knowledge, Station KNHT has not yet even filed an application for the required channel change; thus, good cause exists for extension of its STA.

However, Airen states that Station KMDR may soon commence program tests on Channel 236C3. Airen requests removal of a condition on the STA which requires KZCC to cease operation upon commencement of operation by Station KMDR on Channel 236. In support of its request, Airen provides an engineering showing which demonstrates that the KMDR and KZCC transmitter sites are located on isolated, uninhabited mountain peaks, and that any predicted interference would be entirely confined to unpopulated areas immediately surrounding the transmitter sites.

¹ Airen is authorized by Construction Permit BMPH-20070523ADS to construct Station KZCC on Channel 238C3 (95.5 MHz) with effective radiated power of 5 kilowatts (H&V) and antenna height above average terrain of 222 meters. Station KMDR is authorized by Construction Permit BMPH-20100604AFZ for operation on Channel 236C3 at McKinleyville, California. KMDR filed Application BMPH-20071123ADQ to change its operating channel and class to 299C0. The application was dismissed by the staff on April 3, 2008; Petitions for Reconsideration were filed on December 8, 2008, and January 8, 2009, and remain pending.

² See Letter from Chief, Audio Division, to Ernest T. Sanchez *et al*, DA 08-2676.

Our review indicates that Station KNHT has not yet filed an application to modify its channel as ordered; thus, Station KMDR is still precluded from changing to Channel 299 as proposed, and further extension of STA is warranted. Also, our review confirms Airen's showing that no interference to any populated area is likely to result from grant of the requested modification, and that, otherwise, KZCC would be forced off the air.³ We therefore find that the Public Interest would be served by removal of the condition as requested.

Accordingly, the request for modification and further extension of STA IS HEREBY GRANTED. Station KZCC may continue to operate with the facilities specified in Construction Permit BMPH-20070523ADS. Airen 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 C.F.R. Section 1.1310. Pursuant to 47 C.F.R. Section 73.1635(b), this authority may be modified or cancelled by the FCC without prior notice or right to hearing.

This authority expires on **April 25, 2011**.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Airen Broadcasting Company
John M. Pelkey, Esq. (Counsel for KMDR)

³ The Commission is in receipt of a letter from counsel for KMDR dated October 15, 2010, notifying of the commencement of program tests on Channel 236C3.