

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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September 22, 2011

Brendan Holland, Esq.
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, D.C. 20006

Re: KONY(FM), St. George, Utah
Facility Identification Number: 18140
Canyon Media Corporation
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed September 21, 2011, on behalf of Canyon Media Corporation ("CMC"). CMC requests special temporary authority ("STA") to operate Station KONY with reduced power during nighttime hours from 10 p.m. to 6 a.m.¹ In support of the request, CMC states that the station operates from a remote, mountaintop site which does not have commercial electric power, and that the stations are operated by diesel generators. CMC states that, due to the high cost of diesel fuel delivered to the site, such operation is extremely expensive. CMC states that the proposed reduction in effective radiated power to 5 kilowatts during nighttime hours would result in significant cost savings and also would lower the impact on the environment from the station's operation.

Section 73.1560(d), which governs reduced power operation, states:

In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (see Section 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.

Our review indicates that the request fails to comply with Section 73.1560(d). There is no technical problem which prevents Station KONY from operating with full power; indeed, under

¹ KONY is licensed for operation on Channel 260C (99.9 MHz) with effective radiated power of 90 kW (Max-BT, H&V) and antenna height above average terrain ("HAAT") of 626 meters. Application BPH-20110901AAH proposes a corrective reduction in the HAAT to 620 meters.

the proposed STA operation, the station would continue operating with its full, authorized facilities for sixteen hours of each day. While we are sympathetic to CMC's concerns for cost savings and lessening the environmental impact of its operation, it is long-standing FCC policy that STA is not granted for operation with less than full, authorized facilities for purely financial reasons. Moreover, the request does not indicate that the proposed operation would be temporary; STA is not the proper vehicle for making a permanent modification of facilities. We note that CMC may file an application for modification of license to reduce its effective radiated power to approximately 41 kilowatts and still maintain its current Class C status², or it may file an application for construction permit to downgrade the station's class and reduce the ERP to a lower value.

Accordingly, the request for STA IS HEREBY DENIED. This action is taken pursuant to 47 CFR Section 0.283.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Canyon Media Corporation

² See Section 73.1690(c)(8).