

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
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November 8, 2011

Karen A. Ross, Esq.
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, D.C. 20006

Re: Educational Media Foundation
K224DV(FX), Kalispell, Montana
Facility Identification Number: 91451
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed September 27, 2011, on behalf of Educational Media Foundation ("EMF"). EMF requests special temporary authority ("STA") to operate FM Translator K224DV with temporary facilities.¹ In support of the request, EMF states that it recently discovered that the "as built" facilities differ in antenna type from the license. EMF states that it is in the process of correcting the license with the Commission. In the interim, EMF seeks STA for operation with the "as built" facilities.

Our review indicates that EMF has filed Application BPFT-20111017ACA, to specify a Jampro, model JLCP-3 antenna, and that the effective radiated powers and antenna heights proposed in the pending application, the STA request and the outstanding license all are identical; thus, there is no interference concern with the proposed STA operation.

Accordingly, the request for STA IS HEREBY GRANTED. Station K224DV may operate with a Jampro, model JLCP-3 antenna. 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 **May 8, 2012**.

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.

¹ K224DV is licensed for operation on Channel 224D (92.7 MHz) with effective radiated power of 0.25 kilowatt (H&V) and antenna height above average terrain of 76 meters.

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,

A handwritten signature in blue ink, appearing to read "Charles N. Miller".

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Educational Media Foundation