

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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November 28, 2011

Karl Lieber
Midnation Media LLC
Box 123
Windsor, Colorado 80550

Re: Midnation Media LLC
KNDH(FM), Hettinger, South Dakota
Facility Identification Number: 165977
Special Temporary Authority

Dear Mr. Lieber:

This is in reference to the request filed November 22 , 2011, on behalf of Midnation Media LLC ("MNM"). MNM requests special temporary authority ("STA") to operate Station KNDH with temporary facilities.¹

In support of the request, MNM states that Station KNDH has been silent since November 30, 2010. MNM further states that, during the time the station has been silent, many storms with hail, high winds and ice have caused severe damage to the KNDH antenna and transmitter building. MNM further states that it is awaiting FCC decision regarding a pending application to change the city of license and transmitter location. MNM requests STA to broadcast from a temporary location in order to resume broadcasting within one year of going silent. Finally, MNM states that, once a decision is made regarding the pending application, it will immediately commence efforts to either repair the licensed facility or construct the applied for facilities if approved.

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

¹ KNDH is licensed to Hettinger, North Dakota, for operation on Channel 272C1 (102.3 MHz) with effective radiated power of 51 kilowatts (H&V) and antenna height above average terrain ("HAAT") of 59 meters. Application BPH-20110301ACN proposes a change in the city of license to New Salem, relocation of the transmitter, and an increase in HAAT to 161 meters.

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

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 KNDH may operate with the following facilities:

Geographic coordinates:	46° 00' 14" N, 102° 35' 40" W (NAD 1927)
Channel	272 (102.3 MHz)
Effective radiated power:	0.25 kilowatt (V only)
Antenna manufacturer and type:	Scala, model FMV, nondirectional
Antenna height:	
above ground:	9 meters
above mean sea level:	832 meters
above average terrain:	7 meters

MNM must notify the Commission when licensed operation is restored. MNM 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 28, 2012**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also Public Notice*, Expedited Processing of Applications Filed by Silent Stations, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

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

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

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", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Midnation Media LLC