

FEDERAL COMMUNICATIONS COMMISSION
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February 10, 2012

John M. Pelkey, Esq.
Garvey Schubert Barer
1000 Potomac Street NW, Fifth Floor
Washington, DC 20007

Re: Texas Public Radio
KSTX(FM), San Antonio, Texas
Facility Identification Number: 65334
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed February 7, 2012, on behalf of Texas Public Radio ("TPR"). TPR requests special temporary authority ("STA") to operate Station KSTX with temporary facilities.¹ In support of the request, TPR states that it is in the process of implementing modifications to the KSTX facilities as authorized by Construction Permit BPED-20110329ADJ, and that it has been operating with a temporary antenna in order to provide for continued operation during the course of the authorized antenna construction. TPR further states that unusually rainy conditions have delayed completion of the work beyond the 30 days provided by Section 73.1615, and requests STA for continued operation with temporary facilities.

Section 73.1615, which governs operation during modification of facilities, provides that licensees holding construction permits for modification of directional or nondirectional FM and TV or nondirectional AM facilities may discontinue operation, may operate with temporary facilities to maintain, as nearly as possible, but not exceed, the size of the currently licensed coverage area. Such operation may commence upon notification to the FCC, and may continue for a period not exceeding 30 days. Should it be necessary to continue such operation beyond 30 days, a request for STA must be filed prior to the 30th day. Our review indicates that the proposed STA operation complies with Section 73.1615.

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

Geographic coordinates:	29° 31' 25" N, 98° 43' 25" W (NAD 1927)
Channel	206 (89.1 MHz)
Effective radiated power:	28 kilowatts (H&V)
Antenna height:	

¹ KSTX is licensed for operation on Channel 206C1 (89.1 MHz) with effective radiated power of 100 kilowatts (H&V) and antenna height above average terrain of 200 meters.

above ground:	125 meters
above mean sea level:	405 meters
above average terrain:	93 meters

TPR must notify the Commission when licensed operation is restored. TPR 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 10, 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.

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: Texas Public Radio