

FEDERAL COMMUNICATIONS COMMISSION
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February 27, 2012

Lee J. Peltzman, Esq.
Shainis & Peltzman
1850 M Street NW, Suite 240
Washington, DC 20036

Re: Radio Hawaii, Inc.
KWAH (AM), Honolulu, Hawaii
Facility Identification Number: 54613
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed January 13, 2012¹, on behalf of Radio Hawaii, Inc. ("RHI"). RHI requests special temporary authority ("STA") to operate Station KWAH with temporary facilities.² In support of the request, RHI states that the station's current license specifies a different location than the long-standing KWAH operation. RHI states that a construction permit has been granted to correct the erroneous engineering specifications and that an application for license has been filed. RHI further states that the station's transmitter is faulty, and requests STA for operation from the correct antenna location with reduced power pending installation of a replacement transmitter and FCC action on the pending license application.

Our review indicates that the proposed STA operation is the same as the long-standing operation of the station; thus, interference to any other station is unlikely to occur.

Accordingly, the request for STA IS HEREBY GRANTED. Station KWAH may operate with the following facilities, with reduced power:

Geographic coordinates	21° 19' 27" N, 157° 52' 47" W (NAD 1927)
Frequency	1080 KHz
Hours of operation	Unlimited
Operating power	Not to exceed 5 kilowatts
Antenna type	Existing tower, nondirectional
Radiator height	77.5° (59.8 meters)
Antenna efficiency	298 mV/m/km/kW
Overall height	61 meters
ASRN	1213943

¹ Processing of the request was delayed by a fee issue which now has been resolved.

² KWAH is licensed for operation on 1080 kHz with 5 kilowatts daytime and 5 kilowatts nighttime, employing a nondirectional antenna (ND-1-U).

It will be necessary to further reduce power or cease operation if complaints of interference are received. RHI must notify the Commission when licensed operation is restored.³ RHI 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. The authority granted herein is without prejudice as to the Commission's final action with respect to Application BL-20111229ACE or any subsequently-filed application.

This authority expires on **August 27, 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: Radio Hawaii, Inc.

³ *See* 47 CFR §§ 73.45(c), 73.51, 73.61(b).