

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

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March 22, 2012

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

Re: Educational Media Foundation
K212DW (FX), Williston, North Dakota
Facility Identification Number: 91907
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed March 21, 2012, on behalf of Educational Media Foundation ("EMF"). EMF requests special temporary authority ("STA") to operate FM Translator K212DW with temporary facilities.¹ In support of the request, EMF states that it has discovered a discrepancy between the antenna specified on the station's license and the "as built" facilities, and that it has filed a corrective application.

Our review indicates that the proposed STA facilities are technically identical to the licensed facilities with the exception of the antenna manufacturer and model; thus no interference is likely to result from grant of the requested STA.

Accordingly, the request for STA IS HEREBY GRANTED. Station K212DW may operate with the following facilities:

Geographic coordinates:	48° 8' 13" N, 103° 45' 51" W (NAD 1927)
Channel	212 (90.3 MHz)
Effective radiated power:	0.05 kilowatt (H&V)
Antenna manufacturer and type:	SWR, model FMEC-1, nondirectional
Antenna height:	
above ground:	150 meters
above mean sea level:	798 meters
above average terrain:	172 meters

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 K212DW is licensed for operation on Channel 212D (90.3 MHz) with effective radiated power of 0.05 kilowatt (H&V) and antenna height above average terrain of 172 meters.

1.1310. The authority granted herein is without prejudice as to the Commission's action on Application BMPFT-20120315AEA.

This authority expires on **September 22, 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,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", is written over a horizontal line.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Educational Media Foundation