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September 18, 2012

Robert J. Folliard, Esq.  
Dow Lohnes PLLC  
1200 New Hampshire Avenue NW, Suite 800  
Washington, DC 20036-6802

Re: KCCN-FM, Honolulu, Hawaii  
Facility Identification Number: 34552  
Cox Radio, Inc.  
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed August 14, 2012<sup>1</sup>, on behalf of Cox Radio, Inc. ("CRI"). CRI requests special temporary authority ("STA") to operate Station KCCN-FM with emergency antenna facilities pursuant to Section 73.1680.<sup>2</sup> In support of the request, CRI states that the licensed panel array antenna must be replaced. In order to maintain operation during the antenna construction work, the lower half of the existing 14-bay antenna must be removed and be operated as a seven-bay antenna.<sup>3</sup> CRI requests STA for continued operation with reduced power and slightly increased antenna height using the remaining upper half of the licensed antenna.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna.

Accordingly, the request for STA IS HEREBY GRANTED. Station KCCN-FM may operate with emergency antenna facilities as discussed above. CRI shall coordinate its emergency operation with the Commission's Honolulu monitoring station, and must reduce power as

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<sup>1</sup> Processing of the request was delayed due to the use of an incorrect form. A request for operation with technical facilities at variance from the license, such as the instant request, is an "engineering" STA, as opposed to a "legal" STA. The "legal" category is reserved for operation with deleted facilities, main studio waiver requests, and other non-technical matters.

<sup>2</sup> KCCN-FM is licensed for operation on Channel 262C (100.3 MHz) with effective radiated power of 100 kW (H), 81 kW(V), (Max-DA), and antenna height above average terrain of 599 meters.

<sup>3</sup> Based on information provided in similar STA requests from other stations using the same antenna, the lower half of the antenna will be relocated to a nearby tower and used as an auxiliary antenna during the construction work. See Construction Permit BXPB-20120124AFY.

necessary to meet the field strength limit specified by the monitoring station. CRI must notify the Commission when licensed operation is restored. CRI 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 **December 18, 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: Cox Radio, Inc.