

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

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October 16, 2012

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

Re: Mt. Rushmore Broadcasting, Inc.  
KMLD(FM), Casper, Wyoming  
Facility Identification Number: 11927  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed October 12, 2012, on behalf of Mt. Rushmore Broadcasting, Inc. ("MRB"). MRB requests special temporary authority ("STA") to operate Station KMLD with temporary facilities.<sup>1</sup> In support of the request, MRB states that the licensed site is unavailable and the station has been silent since October 27, 2011. MRB requests STA for operation with temporary facilities until it can locate a new, permanent site.

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 service<sup>2</sup> to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area<sup>3</sup> 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 KMLD may operate with the following facilities:

Geographic coordinates:	42° 51' 29" N, 106° 19' 01" W (NAD 1927)
Channel	233 (94.5 MHz)
Effective radiated power:	0.015 kilowatt (H&V)
Antenna height:	
above ground:	7 meters
above mean sea level:	959 meters
above average terrain:	45 meters

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<sup>1</sup> KMLD is licensed for operation on Channel 233C (94.5 MHz) with effective radiated power of 65 kilowatts (Max-BT, H&V) and antenna height above average terrain of 582 meters.

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

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

MRB must notify the Commission when licensed operation is restored. MRB 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 **April 16, 2013**.

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 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: Mt. Rushmore Broadcasting, Inc.