

FEDERAL COMMUNICATIONS COMMISSION
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March 13, 2013

Matthew McCormick
Fletcher, Heald & Hildreth, PLLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209

Re: KCEI (FM), Red River, New Mexico
Cultural Energy
Facility Identification Number: 82299
Special Temporary Authorization
BSTA-20130312ABC

Dear Mr. McCormick:

This is in reference to the request filed March 12, 2013, on behalf of Cultural Energy. Cultural Energy requests special temporary authority ("STA") to operate Station KCEI with temporary facilities.¹ In support of the request, Cultural Energy states that it was not able to complete construction pursuant to its construction permit BMPED-20120612AAC before winter weather set in. Cultural Energy intends to complete construction once winter passes. In the meantime, an STA for operation with temporary facilities is needed in order to provide service to the community, and to resume operation before the station passes one year of silence.

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 service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

In the present instance, we find that the 60 dBu service contour of the STA operation would extend past the licensed 60 dBu service contour in two small areas toward the east. However, our analysis indicates that no stations or applications will be affected by these small extensions. Other than that, we conclude that the proposed operation complies with the foregoing.

¹ KCEI is licensed for operation on Channel 211C3 (90.1 MHz) with effective radiated power of 3.2 kilowatts (V only) and antenna height above average terrain of 219 meters.

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

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

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

Geographic coordinates:	36° 42' 37" N, 105° 25' 04" W (NAD 1927)
Channel	211 (90.1 MHz)
Effective radiated power:	0.3 kilowatt (V only)
Antenna height:	
above ground:	10 meters
above mean sea level:	2640 meters
Above average terrain:	-41 meters

Cultural Energy must use whatever means are necessary to protect workers and the public from radiofrequency exposure in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310. Cultural Energy is responsible for resolving any interference complaints that may arise as a result of this STA operation.

This authority expires on **September 9, 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 [specifically, **on April 3, 2013**]. *See* Pub. Law No. 104-104, 110 Stat. 56, § 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). Consequently, **Cultural Energy must immediately notify the Commission of the date when operation commences pursuant to this STA.**

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,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Cultural Energy