

**FEDERAL COMMUNICATIONS COMMISSION**  
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**WASHINGTON DC 20554**

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**AUDIO DIVISION**  
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April 23, 2013

Ms. Annette Shacklett  
Kenai Educational Media, Inc.  
P.O. Box 1843  
Seward, AK 99664

Re: KIBH-FM, Seward, AK  
Kenai Educational Media, Inc.  
Facility Identification Number: 176521  
Special Temporary Authority  
BESTA-20130419AAJ

Dear Ms. Shacklett:

This is in reference to the request filed April 19, 2013, on behalf of Kenai Educational Media, Inc. ("KEM"). KEM requests special temporary authority ("STA") for operation at 100 watts effective radiated power (0.100 kW) from a temporary transmitter site in the urbanized area of Seward. The request indicates that the licensed transmitter site is not presently available for operation, and that the silent KIBH-FM station must resume operation by May 1, 2013 to preserve the station's license. If the station does not resume authorized operations by the date, the station's license will expire as a matter of law.

The proposed temporary facility specifies a supporting structure height of 25 meters (82 feet). Contrary to the assertion made in the STA request, we find that a new structure of this height, at the given coordinates, requires FAA approval before construction can commence. And once approved by the FAA, the structure would have to be registered with the FCC in the Antenna Structure Registration database.<sup>1</sup> All this must occur before we could consider this STA request. Consequently, we conclude that this STA request is not feasible, and the April 19, 2013 STA request IS DISMISSED.

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<sup>1</sup> The tower data in the STA request is inconsistent, in that it shows the site elevation nearly at sea level, whereas the actual site elevation at the listed coordinates is 14 meters.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [ending **May 1, 2013**]. 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). Please be aware that unauthorized operations – operations with facilities not authorized by a current STA or license – do not count as a resumption of operations within one year for the purposes of Section 312(g) of the Communications Act, and cannot be used to avoid the consequences of Section 312(g). See *A-O Broadcasting Corporation*, FCC 08-10, 23 FCC Rcd 603, released January 8, 2008.

Sincerely,



Dale Bickel  
Senior Engineer  
Audio Division  
Media Bureau

cc: Wolfgang Kurtz, Consulting Engineer