

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

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

ENGINEER: Dale Bickel
TELEPHONE: (202) 418-2706
FACSIMILE: (202) 418-1410
E-MAIL: dale.bickel@fcc.gov

June 3, 2013

Jan Charles Gray
Mt. Rushmore Broadcasting, Inc.
218 N. Walcott
Casper, WY 82602

Re: KMLD (FM), Casper, WY
Mt. Rushmore Broadcasting, Inc.
Facility Identification Number: 11927
Special Temporary Authority
BSTA-20130530AKW

Dear Counsel:

This is in reference to the request filed May 30, 2013, on behalf of Mt. Rushmore Broadcasting, Inc. ("MRB"). MRB indicates that the station has been silent for nearly a year, and proposes to resume operation using a one bay antenna mounted on a pole, at an ERP of 0.15 kW ERP.¹ As a matter of law, KMLD must resume operation no later than October 19, 2013 in order to preserve the station's license.

We conclude that an STA for temporary operation is warranted, and the STA IS GRANTED. We expect that MRB shall continue this temporary operation authorized herein without interruption, through the six month term of this STA or until the licensee restores permanent, authorized operation. Extension requests for this STA may be granted by the staff if circumstances warrant.

Specifically, STA is granted for operation with the following facilities (some parameters corrected from the STA request):

¹ KMLD originally went silent on October 27, 2011, and was granted an STA to remain silent on January 19, 2012 (BLSTA-20111031AJE) which was subsequently extended. On October 12, 2012, MRB filed an STA request for temporary reduced facilities at a different transmitter site (BSTA-20121012AAR) which was granted October 16, 2012. After only a few days of (presumed) operation, MRB again requested an STA to remain silent (BLSTA-20121121ART), granted January 13, 2013 with an expiration date of July 2, 2013. The present STA request (BSTA-20130530AKW, requests a temporary reduced facility STA from yet another transmitter site.

KMLD is licensed to operate with 65 kW ERP (maximum, beam tilt) at an antenna height above average terrain (HAAT) of 582 meters.

Geographic coordinates: 42° 44' 37" N, 106° 18' 31" W (NAD 1927)
Channel 233 (94.5 MHz)
Effective radiated power: 0.150 kilowatt (H&V)
Antenna height:
 above average terrain: 523 meters
 above mean sea level: 2473 meters
 above ground: 33 meters
Antenna Structure Registration No. (ASRN): 100186

On the same date that KMLD commences operations pursuant to this STA, the licensee (or its representative) shall confirm the start of STA operations via an e-mail to Dale Bickel, dale.bickel@fcc.gov.

MRB 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.

This authority expires on November 30, 2013.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [ending **October 19, 2013**], notwithstanding the grant of the present STA. 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.

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 black ink, appearing to read "Dale Bickel". The signature is written in a cursive style with a large, looping "B" and "l".

Dale Bickel
Senior Engineer
Audio Division
Media Bureau