

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

September 30, 2013

Kona Coast Radio, LLC
87 Jasper Lake Road
Loveland, CO 80537

Re: KIMI (FM), Sidney, IA
Kona Coast Radio, LLC
Facility Identification Number: 189501
Special Temporary Authority
BSTA-20130927BGC

Dear Licensee:

This is in reference to the request filed September 27, 2013, from Kona Coast Radio, LLC ("KCR"). KCR explains that it has completely constructed the facility authorized under construction permit BMPH-20130509AAA, but that the FAA has interposed its concerns about the potential for interference on the Instrument Landing System (ILS) at Offutt Air Force Base. The licensee and the FAA are working together on this issue.

However, KIMI has been silent for nearly a year, and must return operation status **no later than October 3, 2013** to avoid automatic cancellation of the station's license pursuant to Section 312(g) of the Communications Act. Operation from the licensed site is no longer possible since the equipment has been moved to the new transmitter site. The STA requests authority to resume operation from the construction permit site at reduced power, pending resolution of the FAA's concerns. The FAA has agreed to an initial ERP of 500 watts for KIMI.

Under the circumstances, we conclude that an STA for temporary reduced power operation is warranted, and the STA IS GRANTED. We expect that KCR shall continue the temporary operation authorized herein, through the term of this STA period or until the licensee commences program test operations pursuant to the construction permit. Extension requests for this STA may be granted by the staff if circumstances warrant.

Accordingly, KIMI may operate with the following facilities:

Geographic coordinates:	40° 56' 57" N, 95° 45' 28" W (NAD 1927)
Channel	299C2 (107.9 MHz)
Effective radiated power:	0.50 kW ERP
Antenna height:	
above ground:	53 meters
above mean sea level:	443 meters
above average terrain:	24 meters

On the same date that KIMI 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. In addition, once program test operation commences pursuant to the station's construction permit, please notify the Commission via a letter through the Office of the Secretary, FCC.

KBR 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 March 29, 2014.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [ending **October 3, 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 fluid and cursive, with the first name "Dale" and last name "Bickel" clearly distinguishable.

Dale Bickel,
Senior Engineer
Audio Division
Media Bureau