

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

March 27, 2014

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

Re: KCEI (FM), Red River, NM
Cultural Energy
Facility Identification Number: 82299
Special Temporary Authority ("STA")
BSTA-20140319ADD

Dear Counsel:

This is in reference to the request filed March 19, 2014, on behalf of Cultural Energy. Cultural Energy requests special temporary authority ("STA") to operate station KCEI with temporary facilities, until the licensee can complete construction at its construction permit site. This station went silent on April 10, 2013. Cultural Energy must return KCEI to operating status **no later than April 10, 2014** to avoid automatic cancellation of the station's license pursuant to Section 312(g) of the Communications Act.

Under the circumstances, we conclude that an STA for the temporary facilities requested is warranted, and the STA IS GRANTED. Cultural Energy has demonstrated that the temporary operation will provide service to much of the the community of license. We expect that KCEI shall continue the temporary operation authorized herein, through the term of this STA period or until the licensee either restores licensed operation or implements permanent operations at the construction permit site. Extension requests for this STA may be granted by the staff if circumstances warrant.

Accordingly, KCEI may operate with the following facilities:

Geographic coordinates:	36° 42' 37" N, 105° 25' 04" W (NAD 27)
Channel	211 (90.1 MHz)
Effective radiated power:	0.030 kilowatts (V only)
Antenna height:	
above ground:	10 meters
above mean sea level:	2640 meters
above average terrain:	-411 meters

On the same date that KCEI 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. This date will be entered into the Commission's CDBS database to indicate that the station is broadcasting. In addition, once permanent operations are implemented, please notify the Commission via a letter through the Office of the Secretary, FCC.

KCEI 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 September 23, 2014.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [**ending April 10, 2014**], 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,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Cultural Energy