

FEDERAL COMMUNICATIONS COMMISSION
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May 15, 2014

Frank R. Jazzo
Fletcher Heald & Hildreth, PLC
1300 N 17th Street, 11th Floor
Arlington, VA 22209

Re: KSFH (FM), Mountain View, CA
St. Francis High School of Mountain View
Facility Identification Number: 62118
Special Temporary Authority ("STA")
BSTA-20140513AAU

Dear Counsel:

This is in reference to your request filed May 15, 2014, on behalf of St. Francis High School of Mountain View ("St. Francis HS"). St. Francis HS requests special temporary authority ("STA") to operate station KSFH at reduced power and a slightly changed transmitter site, until the licensee can file for and implement a permanent transmitter site. This station went silent on May 24, 2013. St. Francis HS must return KSFH to operating status **no later than May 23, 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. St. Francis HS has demonstrated that the temporary operation will provide service to much of the the community of license, and the 60 dBu service contour of the proposed temporary facility lies wholly within the licensed 60 dBu contour. We expect that KSFH 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 a new site pursuant to a construction permit.¹ Extension requests for this STA may be granted by the staff if circumstances warrant.

Accordingly, KSFH may operate with the following temporary facilities:

¹ Please be aware that any application for construction permit that specifies operation on Channel 200 (87.9 MHz), will be limited to Class D facilities.

Geographic coordinates: 37° 22' 7.4" N, 122° 05' 5.65" W (NAD 27)
 Channel 200D (87.9 MHz)
 Effective radiated power: 0.0066 kilowatts (H & V only)
 Antenna height:
 above ground: 9 meters
 above mean sea level: 57 meters (Corrected)
 above average terrain: -108 meters (Corrected)
 Site elevation: 48 meters
 Supporting Structure Height: 9 meters above ground level
 Transmitter Power output (TPO): 0.0185 kW (the 0.010 kW TPO limit in Section 73.506(a) is waived)

On the same date that KSFH commences operations pursuant to this STA, the licensee (or its representative) shall file a "Resumption of Operation" notice in the CDBS electronic filing system, and shall confirm the start of STA operations via an e-mail to Dale Bickel, dale.bickel@fcc.gov. The start date will be entered into the Commission's CDBS database to indicate that the station is broadcasting.

KSFH 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 11, 2014.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [ending May 24, 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,

A handwritten signature in black ink, appearing to read "Dale Bickel". The signature is written in a cursive style with a large, stylized "D" and "B".

Dale Bickel,
Senior Engineer
Audio Division
Media Bureau

cc: St. Francis High School of Mountain View