

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 2, 2014

Susan A. Marshall
Fletcher, Heald & Hildreth
1300 North 17th Street, 11th Floor
Arlington, VA 22209

Re: K250AN (FX), Oracle, AZ
Cochise Broadcasting, LLC
Facility Identification Number: 143516
Special Temporary Authority
BSTA-20140529AGZ

Dear Counsel:

This is in reference to the request filed May 29, 2014, on behalf of Cochise Broadcasting, LLC ("Cochise"). Cochise requests special temporary authority ("STA") to operate FM translator K250AN with temporary facilities.¹ Cochise must return silent station K250AN to operating status **no later than June 3, 2014** to avoid automatic cancellation of the station's license pursuant to Section 312(g) of the Communications Act.

Cochise claims to have lost use of the translator's licensed site and is proposing operation from a existing tower a short distance away. The 60 dBu service contour from the STA facility will remain wholly within the 60 dBu contour of the licensed station.

Accordingly, STA is granted with the following parameters only:

Geographic coordinates:	32° 26' 29" N, 110° 46' 55" W (NAD 1927)
Channel	250D (97.9 MHz)
Effective radiated power:	0.005 kilowatt (H) Directional
Antenna height:	
above average terrain:	1213 meters
above mean sea level:	2765 meters
above ground:	6 meters
Tower height above ground level:	55 meters

¹ In the CDBS database, FM translator K250AN is listed as being silent as of June 3, 2013 for unknown reasons. It is not apparent that Cochise followed up with any request to extend the period of silence beyond 30 days (see Section 73.1740(a)(4)). Such a request is typically made in the form of an STA request to remain silent, but here no such STA request is extant.

Cochise 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 STA does not cover or imply approval for any operations (or lack thereof) prior to the issuance of this STA, except those in keeping with previous Commission letter or authorization.

This STA expires November 29, 2014. Cochise must send an e-mail to Dale Bickel, dale.bickel@fcc.gov, on the (and including the) date that operations pursuant to this STA commence. This date will be recorded in the Commission's CDBS database. We expect that Cochise shall maintain these STA operations for K250AN on 97.9 MHz throughout the six-month term of this STA.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [ending **June 3, 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.

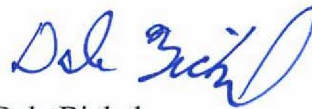
STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice 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: Cochise Broadcasting LLC