

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

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July 23, 2014

Dan J. Alpert  
2120 N. 21<sup>st</sup> Road  
Arlington, VA 22201

Re: KBYN (FM), Arnold, CA  
La Favorita Radio Network, Inc.  
Facility Identification Number: 15005  
Request for Special Temporary Authorization  
BSTA-20140708ACG

Dear Counsel:

This is in reference to the request filed July 8, 2014, on behalf of La Favorita Radio Network, Inc. ("La Favorita"). La Favorita states that "the KBYN antenna has been damaged" without explanation of the circumstances that caused the damage. As a replacement for the licensed nondirectional antenna, La Favorita seeks to use a two section Antenna Concepts directional antenna at slightly reduced power. La Favorita provides an exhibit to demonstrate that the 60 dBu contour using the directional antenna would remain within the 60 dBu contour of the presently licensed operation.<sup>1</sup>

Section 73.3538(a)(3) requires permittees and licensees to file a construction permit application for "[a]ny change in ... [the] directional radiating characteristics of the antenna or antenna system."<sup>2</sup> Consciously or not, the present STA request implicitly seeks to circumvent this longstanding requirement. No compelling circumstances have been advanced for exempting KBYN from this explicit requirement, even on a temporary basis.<sup>3</sup>

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<sup>1</sup> KBYN's licensed operation is fully spaced under Section 73.207 of the FCC's rules and directional operation is not required.

<sup>2</sup> The focus of the rule is on the characteristics of the *antenna*, not on the resulting *coverage*.

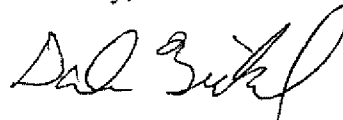
<sup>3</sup> In response to a rulemaking filed by the previous licensee, in 2006 KBYN's license was modified from Channel 240A at Arnold, CA to Channel 240A at City of Angles, CA. See the *Report and Order* in MB Docket 05-316, 21 FCC Rcd 4843 (2006). That licensee was granted construction permit BPH-20060828AFP which expired September 8, 2009 after a three year period. La Favorita acquired the station in March of 2009. On July 16, 2014 – eight days after filing this STA request – La Favorita filed construction permit application BPH-20140716AEN, seeking a new three year construction period for the facilities in the expired construction permit. Consequently, it is clear that the licensed facility will have to be used for an extended period.

The directional antenna substitution appears to be for the licensee's benefit and convenience only. The directional antenna would reduce the transmitter power required, and so make the facility cheaper to operate.

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. Economic advantages to the licensee are not justification for an STA. Nor is the STA process appropriate for long term or permanent operation of facilities, as is intended here.

Accordingly, the request for STA IS HEREBY DENIED. Please be aware that KBYN yet retains the flexibility to replace its existing nondirectional antenna with a similar antenna, followed by the filing of a modification of license application on FCC Form 302-FM. *See* Section 73.1690(c)(1). This process will permit KBYN to retain the full coverage presently licensed to the station.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Bickel", written in a cursive style.

Dale Bickel  
Senior Engineer  
Audio Division  
Media Bureau

cc: La Favorita Radio Network, Inc.