

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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November 9, 2016

Meruelo Radio Holdings, LLC
9550 Firestone Blvd., Suite 105
Downey, CA 90241

Re: KDEY (FM), Ontario, CA
Meruelo Radio Holdings, LLC
Facility Identification Number: 10099
Special Temporary Authority
BSTA-20161024ACC

Dear Licensee:

This is in reference to the request filed October 24, 2016 on behalf of Meruelo Radio Holdings, LLC ("Meruelo"). Meruelo requests Special Temporary Authority (STA) to operate from a temporary installation located 0.2 km from the station's licensed transmitter site. The purpose of this STA is to "test a new solution for [co-owned and cochannel] KDAY/KDEY-FM that involves the use of a more optimal transmitter site for KDEY-FM situated further to the side of the ridge peak where KDEY-FM is currently located."¹ The proposal would borrow the licensed directional auxiliary antenna from co-owned KDAY (Redondo Beach, CA) for the testing installation.

We have reviewed the proposal, but conclude that it does not qualify for STA. 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. In general, we will not approve an STA request that only seeks to improve stations' licensed coverage areas, as here.

However, we note that the basic engineering parameters specified here appear suitable for an auxiliary facility construction permit for KDEY-FM. An auxiliary facility construction permit requires the filing and grant of a minor change application on FCC Form 301. Such applications are presently being processed within a short time frame.

¹ It appears that the temporary location was chosen to increase terrain shielding towards cochannel KDAY, Redondo Beach, CA.

Accordingly, the STA request BSTA-20161024ACC IS DISMISSED.

Sincerely,

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

Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Deborah Salons (via e-mail only)