

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

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**WWW.FCC.GOV/media/radio/audio-division**

**ENGINEER:** Dale Bickel  
**TELEPHONE:** (202) 418-2706  
**FACSIMILE:** (202) 418-1410  
**E-MAIL:** dale.bickel@fcc.gov

April 27, 2017

Buffalo Broadcasting, LLC  
P.O. Box 1729  
Yreka, CA 96097

Re: KSIZ (FM), Weed, CA  
Buffalo Broadcasting, Inc.  
Facility Identification Number: 68152  
Special Temporary Authority  
BSTA-20170331ABL

FM Translator Stations K257CA and K269AT

Dear Licensee:

This is in reference to your request filed March 31, 2017. Buffalo Broadcasting requests special temporary authority ("STA") to operate the KSIZ fill-in translators K257CA and K269AT without the primary station's signal, because the primary station is presently off the air due to storm damage on March 23, 2017.<sup>1</sup>

For KSIZ itself, Special Temporary Authority is granted to permit KSIZ to remain silent, not to exceed 180 days from the date of this letter.<sup>2</sup> **Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station KSIZ will automatically expire as a matter of law if broadcast operations do not commence by 12:01 a.m., March 24, 2018.** See Section 312(g) of the Communications Act, 47 U.S.C. § 312(g). Upon resuming licensed operations, Buffalo Broadcasting must also file a Notice of Resumption of Operations for KSIZ in the CDBS electronic filing system.<sup>3</sup>

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<sup>1</sup> It was initially unclear whether the STA request was intended to report the station as silent, or that the primary station continued to operate with damaged facilities. In response to my inquiry, Mr. Baird clarified the matter as follows, via e-mail on April 25, 2017:

"The KSIZ license has three frequencies. 102.3 is the only frequency which is non operable. 101.7 and 99.3 continue to operate. The vast majority of our coverage map is served by these two frequencies. We need safe conditions on Mt Shasta to repair the tower which was damaged in the storm. The snow is 20 feet deep up there. The middle of June will be our first opportunity to take a crew and equipment to the site to safely effect repairs. We will have 102.3 operational as soon as it is safe to do so, however, KSIZ is on the air and continues to operate and continues to serve the majority of our coverage area in the interim.  
Mark Baird"

So there are two significant issues here: (1) the KSIZ primary facility on 102.3 MHz is silent and will remain so for some months, and (2) Buffalo Broadcasting is effectively requesting special temporary authority to operate its two fill-in translators without the primary station signal being broadcast. We address both matters in this letter.

<sup>2</sup> A silent station STA extension request may be electronically filed by October 23, 2017, if needed. We also update the FCC's CDBS database to show the status of KSIZ as "Licensed and Silent" as of March 24, 2017. Operation of the referenced translator stations does not count as operation by KSIZ.

<sup>3</sup> In addition to filing electronically the Notice of resumption of Operation with the Commission on the date operations resume, notification of resumption of broadcast operations must be e-mailed to Denise.Williams@fcc.gov.

Secondly, we separately grant Special Temporary Authority to allow FM translator stations K257CA (Facility ID No. 46742) and K269AT (Facility ID No. 21748) to rebroadcast KSIZ's programming while the primary station remains silent.<sup>4</sup> If extensions of these STAs are required, Buffalo Broadcasting must file separate STA requests in October 2017 under each translator call sign (not KSIZ's).<sup>5</sup>

**These STAs expire on October 23, 2017.**

We remind the licensee that the KSIZ's license will expire as a matter of law upon twelve consecutive months of silence [ending **March 24, 2018**], notwithstanding the grant of the present STAs. 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 by KSIZ 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 (2008).

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**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

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<sup>4</sup> FM Translator stations must cease operation when the primary station goes off the air. See Rule Sections 74.1234(a)(2) and 74.1263(b). It appears that K257CA and K269AT did not cease operation when the primary station KSIZ went off the air. This STA does not cover any translator operations between March 24, 2017 and the present.

<sup>5</sup> Please take note that operation of these translator stations has no effect on the silent station status of the primary station KSIZ, and will not count as operation for the purposes of Section 312(g) with respect to KSIZ.

- 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 dark ink, appearing to read "Dale Bickel". The signature is fluid and cursive, with the first name "Dale" and last name "Bickel" clearly distinguishable.

Dale Bickel  
Senior Engineer  
Audio Division  
Media Bureau

cc: Jessica Rogers (via e-mail only)