

FEDERAL COMMUNICATIONS COMMISSION
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October 26, 2007

Todd D. Gray, Esq.
Dow, Lohnes & Albertson, P.L.L.C.
1200 New Hampshire Avenue NW, Suite 800
Washington, DC 20036-6802

Re: KPBS-FM(FM), San Diego, California
Facility Identification Number : 58823
Board of Trustees, California State University,
for San Diego State University
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed October 25, 2007, on behalf of the Board of Trustees, California State University, for San Diego State University ("SDSU"). Special temporary authority (STA) is requested to operate Station KPBS-FM with emergency antenna facilities from its main studio location, pursuant to Section 73.1680.¹ In support of the request, SDSU states that KPBS-FM has been forced to from its licensed site by the wildfires which have rendered the site inoperative.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna. STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed

¹ KPBS-FM is licensed for operation on Channel 208B (89.5 MHz) with effective radiated power of 2.7 kilowatts (H&V) and antenna height above average terrain of 550 meters. Pending Application BPED-20070327ADY proposes relocation of the transmitter and operation with effective radiated power of 26 kilowatts (H&V) and antenna height above average terrain of 209 meters.

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing.

Accordingly, the request for STA IS HEREBY GRANTED. Station KPBS-FM may operate with the following facilities:

Geographic coordinates:	32° 46' 19" NL, 117° 04' 18" WL (NAD 1927)
Channel	208 (89.5 MHz)
Effective radiated power:	2.3 kilowatts (V only)
Antenna manufacturer and type	Telecom, model TFLBD, two section, nondirectional
Antenna height:	
above ground:	37 meters
above mean sea level:	177 meters
Above average terrain:	55 meters

SDSU must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310. SDSU must notify the Commission when licensed operation has been restored.

This authority expires on **April 26, 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;

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

- 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 "C.N. Miller". The signature is written in a cursive style with a long horizontal tail stroke.

Charles N. Miller, Engineer
Audio Division
Media Bureau

Enclosures

cc: Board of Trustees, California State University, for San Diego State University