

FEDERAL COMMUNICATIONS COMMISSION
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August 1, 2017

Carl Auel, President
American Educational Broadcasting, Inc.
3185 South Highland Drive, Suite 13
Las Vegas, NV 89109

Re: KQMC (FM), Hawthorne, NV
American Educational Broadcasting, Inc. ("AEB")
Facility Identification Number: 79036
Special Temporary Authority
BSTA-20170731AAA

Dear Mr. Auel:

This is in reference to your request filed July 31, 2017. You request special temporary authority ("STA") to operate KQMC with lesser, temporary facilities. The licensed main transmitter site is not available. **AEB must return KQMC to operating status no later than August 6, 2017** to avoid automatic cancellation of the station's license pursuant to Section 312(g) of the Communications Act.

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 service to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area¹ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. We find that the proposed STA operation satisfies these criteria.

Special Temporary Authority for the temporary facilities proposed IS GRANTED. **When KQMC commences operations pursuant to this STA, the licensee (or its representative) shall confirm the start of STA operations via an e-mail to Dale Bickel, dale.bickel@fcc.gov.** This date will be entered into the Commission's CDBS database to indicate that the station has resumed broadcasting. AEB must also file a Notice of Resumption of Operations for KQMC in the CDBS electronic filing system.

AEB 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 authority expires on January 28, 2018.

¹ For FM, the 60 dBu (1.0 mV/m) contour.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [ending **August 6, 2017**], 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 (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: Nathaniel J. Hardy (via e-mail only)