

FEDERAL COMMUNICATIONS COMMISSION
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August 28, 2006

Brendan Holland, Esq.
Davis Wright Tremaine LLP
1500 K Street NW, Suite 450
Washington, DC 20005-1272

Re: People's Wireless, Inc.
KYOL (AM), Littleton, Colorado
Facility Identification Number: 52249
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed August 11, 2006, on behalf of People's Wireless, Inc. ("PWI"). PWI requests special temporary authority ("STA") to operate Station KYOL pursuant to Section 73.1615.¹ In support of the request, PWI states that it is in the process of upgrading the station's facilities as authorized by Construction Permit BP-20041019ACH, and requests STA for operation with a temporary nondirectional antenna and reduced power during relocation and upgrading of the station's facilities.

Section 73.1615, which governs operation during modification of facilities, provides that AM licensees holding construction permits which involve directional facilities may discontinue operation, may operate with reduced power or with parameters at variance from licensed tolerances while maintaining monitor points within licensed limits, may operate in nondirectional mode during presently licensed hours of directional operation with power reduced to 25% of licensed directional power, may operate during daytime hours only in nondirectional mode with power reduced to 25% of construction permit directional power only as necessary to conduct nondirectional proof measurements, may operate during daytime hours with the substantially adjusted daytime or nighttime directional facilities authorized by the permit and with the power authorized by the permit only as necessary to take proof of performance measurements. Operating power shall be reduced to currently licensed levels when proof measurements are not being taken.

Our review indicates that the requested daytime operation with a nondirectional antenna and 6.25 kilowatts exceeds the provisions of Section 73.1615, except during nondirectional proof of

¹ KYOL is licensed for operation on 1510 kHz with 9.5 kilowatts daytime and 19 kilowatts nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U). Construction Permit BP-20041019ACH authorizes relocation of the transmitter, an increase in power to 10 kilowatts daytime and 25 kilowatts nighttime, and changes to the daytime and nighttime directional patterns.

performance measurements. STA will be granted for the modes allowed by the rule.

Accordingly, the request for STA IS HEREBY GRANTED. Station KYOL may operate pursuant to Section 73.1615 and the terms and conditions of Construction Permit BP-20041019ACH. In particular, the following modes of operation are authorized:

- 1) During daytime hours, with a nondirectional antenna and reduced power not to exceed 6.25 kilowatts, for the purpose of taking nondirectional proof of performance measurements. Reduce power to 2.38 kilowatts or less when proof measurements are not being taken.
- 2) During daytime hours, with the substantially adjusted daytime and nighttime directional patterns and powers authorized by the permit, only as necessary for taking directional proof of performance measurements. Reduce power to 9.5 kilowatts or less when proof measurements are not being taken.
- 3) During nighttime hours, with a nondirectional antenna and operating power not to exceed 4.75 kilowatts, only as necessary to facilitate the construction work.
- 4) During nighttime hours, with the substantially adjusted nighttime directional facilities authorized by the permit and nominal power not to exceed 19 kilowatts.

It will be necessary to further reduce power or cease operation if complaints of interference are received. PWI must notify the Commission when licensed operation is restored.² PWI 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.

This authority expires on **February 28, 2007**.

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.

² See 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

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,

A handwritten signature in black ink, appearing to read "Charles N. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: People's Wireless, Inc.