

**FEDERAL COMMUNICATIONS COMMISSION
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December 22, 2020

Legend Communications of Wyoming, LLC
PO Box 2750
Cody, WY 21075

Re: Legend Communications of Wyoming, LLC
KIML(AM), Gillette, WY
Facility Identification Number: 24212
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed December 16, 2020, on behalf of Legend Communications of Wyoming, LLC ("Legend"). Legend requests special temporary authority ("STA") to operate station KIML(AM) during daytime hours with reduced power and during nighttime hours with temporary non-directional facilities.¹ In support of the request, Legend states that due to transmitter and antenna system equipment failures, it is requested to operate KIML(AM) non-directionally at its existing site with 1 kilowatt during daytime hours and 250 watts during nighttime hours from one of the existing KIML(AM) towers.

Section 73.1560(d), which governs reduced power operation, states:

In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (see Section 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.

Section 73.1680 of the Commission's rules provide for operation with emergency antenna facilities, provided that an informal request for continued used of an emergency antenna is filled with the Commission within 24 hours. In particular, Section 73.1680(b)(1) states that AM stations

¹ KIML(AM) is licensed for operation on 1270 kHz with a daytime power of 5 kilowatts and a nighttime power of 1 kilowatt, employing a directional antenna pattern during nighttime hours (DAN-U).

may use a horizontal or vertical wire or a nondirectional vertical element of a directional antenna as an emergency antenna. AM stations using an emergency nondirectional antenna or a horizontal or vertical wire pursuant to this section, in lieu of authorized directional facilities, shall operate with power reduced to 25% or less of the nominal licensed power, or, a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth for the corresponding hours of directional operation.

Our review indicates that the request complies with Sections 73.1560(d) and 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED. Station KIML(AM) may operate daytime with a reduced power of 1 kilowatt and may operating non-directionally at night with power not to exceed 0.25 kilowatt. It will be necessary to further reduce or cease operation if complaints of interference are received. Legend 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 **June 20, 2021**.

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,

A handwritten signature in black ink that reads "Jerome J. Manarchuck". The signature is written in a cursive style with a large, stylized initial "J" and a long, sweeping tail on the "k".

Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Dawn Marie Sciarrino, Esq. (via email only)