

FEDERAL COMMUNICATIONS COMMISSION
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August 14, 2008

Steven C. Schaffer, Esq.
Schwartz, Woods & Miller
1233 20th Street NW, Suite 610
Washington, DC 20036-7322

Re: Wichita State University
KMUW(FM), Wichita, Kansas
Facility Identification Number: 72634
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed August 13, 2008, on behalf of Wichita State University ("WSU"). WSU requests special temporary authority ("STA") to operate Station KMUW with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, WSU states that it recently completed a site move which involved installation of a new directional antenna. WSU states that, since going on the air with the new antenna, it has experienced a significant loss of signal, and that the antenna manufacturer is conducting diagnostic tests to isolate the problem. Until the problem with the new antenna can be identified and repaired, WSU requests STA to operate with a temporary antenna mounted at a lower elevation on the tower.

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.

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

Geographic coordinates:	37° 46' 26" N, 97° 30' 52" W (NAD 1927)
Channel	206 (89.1 MHz)
Effective radiated power:	90 kilowatts (H&V)
Antenna manufacturer and type:	PSI, 6-bay, omnidirectional
Antenna height:	
above ground:	123 meters
above mean sea level:	540 meters

¹ KMUW is licensed for operation on Channel 206C1 (89.1 MHz) with effective radiated power of 100 kilowatts (Max-DA, H&V) and antenna height above average terrain of 278 meters.

Above average terrain: 119 meters

WSU must notify the Commission when licensed operation is restored. WSU 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 14, 2009**.

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,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Wichita State University