FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

December 5, 2008

John S. Neely, Esq,
Miller and Neely, P.C.
6900 Wisconsin Avenue, Suite 704
Bethesda, MD 20815

Re: Minnesota Valley Broadcasting Company
KTOE (AM), Mankato, Minnesota
Facility Identification Number: 42899
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed December 3, 2008, on behalf of Minnesota Valley Broadcasting Company ("MVB"). MVB requests special temporary authority ("STA") to operate Station KTOE[1] during nighttime hours with a nondirectional antenna and reduced power.[2] In support of the request, MVB states that it is renovating its nighttime directional antenna system and preparing for the relocation of commonly owned Station KYSM to the KTOE site as authorized by Construction Permit BP-20080811AAZ.

Our review indicates that the proposed STA operation complies with the technical provisions of Section 73.1615, which governs operation during modification of facilities. However, due to the potential for interference to other stations, nondirectional nighttime operation should be limited to the minimum time necessary to facilitate the planned repair work and the construction necessary for the relocation of Station KYSM. It also may be necessary to operate during nighttime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. STA will be granted to specify both of the foregoing modes of operation.

Accordingly, the request for STA IS HEREBY GRANTED, with modification as discussed above. Station KTOE may operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Operation during nighttime hours with a temporary nondirectional antenna and reduced power not to exceed 1.25 kilowatt also is authorized, only as necessary to facilitate the planned construction and repair work. It will be necessary to further reduce power or cease operation if complaints of interference are received. MVB must notify the Commission when licensed operation is restored.[3] MVB 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.

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[1] KTOE is licensed for operation on 1420 kHz with 5 kilowatts daytime and 5 kilowatts nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

[2] Although the STA request specified operation with the "licensed antenna system with reduced power," we note that Station KTOE is not licensed for operation with a nondirectional antenna during nighttime hours.

[3] *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

Simultaneous operation of Stations KTOE and KYSM with a shared antenna shall not commence until sufficient diplexing equipment has been installed and properly adjusted to reduce all spurious emissions below the levels specified in 47 CFR Section 73.44(b). Within 10 days after commencement of such operation, MVB must submit the results of measurements which demonstrate compliance with the above condition.

This authority expires on **June 5, 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: Minnesota Valley Broadcasting Company