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March 16, 2009

Dan J. Alpert, Esq.
2120 North 21st Road, Suite 400
Arlington, Virginia 22201

Re: Broadcasting Corporation of America
KUPA (AM), Pearl City, Hawaii
Facility Identification Number: 26441
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed March 10, 2009, and amended by Counsel's e-mail dated March 13, 2009, on behalf of Broadcasting Corporation of America ("BCA"). BCA requests special temporary authority ("STA") to operate Station KUPA with temporary facilities.[1] In support of the request, BCA states that it has lost the use of the licensed site, and requests STA for operation with a temporary wire antenna. BCA states that efforts to locate a new, permanent site are ongoing.

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[2] to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area[3] without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

Our review indicates that the proposed STA operation substantially complies with the foregoing criteria. Our review further indicates that Station KUPA has been silent since October 12, 2008, and thus faces the loss of its license if it does not resume operation on or before October 12, 2009.

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

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[1] KUPA is licensed for operation on 1370 kHz with 6.2 kilowatts daytime and 6.2 kilowatts nighttime, employing a nondirectional antenna (ND-1-U).

[2] For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

[3] For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

Geographic coordinates	21° 19′ 07″ N, 158° 04′ 35″ W (NAD 1927)
Frequency	1370 KHz
Hours of operation	Unlimited
Operating power	1 kilowatt
Antenna type	Center-fed long wire
Antenna efficiency	282 mV/m/km/kW
Overall height	6 meters (20')

It will be necessary to further reduce power or cease operation if complaints of interference are received. BCA must notify the Commission when licensed operation is restored.[4] BCA 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 **September 16, 2009**.

Notwithstanding the grant of this STA or the expiration date specified herein, **the station's license will expire as a matter of law if it does not resume operation on or before October 12, 2009.** *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). **The licensee must notify the Audio Division immediately upon resumption of broadcasting.**

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;

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

- 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: Broadcasting Corporation of America