FEDERAL COMMUNICATIONS COMMISSION
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December 11, 2009

John Crigler, Esq.
Garvey, Schubert & Barer
1000 Potomac Street NW, Fifth Floor
Washington, DC 20007

Re: Fresh Air, Inc.
K294AM(FX), West St. Paul, Minnesota
Facility Identification Number: 22631
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed December 2, 2009, on behalf of Fresh Air, Inc. ("FAI"). FAI requests extension of the special temporary authority ("STA") granted on June 4, 2009, to operate FM Translator K294AM with reduced power.[1] In support of the request, FAI states that it has ordered a new transmitter and has encountered several delays in delivery of the new equipment. FAI states that installation of the new transmitter, once received, can be accomplished within 15 to 20 hours.

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.

Our review indicates that the licensee has made progress toward restoration of licensed operation, but additional time is required for completing the work. Thus, extension of STA is warranted.

Accordingly, the request for extension of STA IS HEREBY GRANTED. Station K294AM may

[1] K294AM is licensed for operation on Channel 294D (106.7 MHz) with effective radiated power of 0.17 kilowatt (H&V) and antenna height above average terrain of 96 meters.

continue to operate with reduced power. FAI must notify the Commission when licensed operation is restored. FAI 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 11, 2010**.

Sincerely,

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Fresh Air, Inc.