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May 7, 2010

Karen A. Ross, Esq.
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1919 Pennsylvania Avenue NW, Suite 200
Washington, DC 20006-3402

Re: Educational Media Foundation
KKLY(FM), El Paso, Texas
Facility Identification Number: 19786
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed May 3, 2010, on behalf of Educational Media Foundation ("EMF"). EMF requests special temporary authority ("STA") to operate Station KKLY with temporary facilities.[1] In support of the request, EMF states that it has completed construction of modified facilities authorized by Construction Permit BPED-20020301AMI and has filed Application BLED-20100426ADT for license to cover the permit; however, there is an issue concerning a possible 4-degree discrepancy in the orientation of the directional antenna and/or the surveyor's affidavit which must be resolved before the license application can be granted. In the interim, EMF requests STA to continue operation with the new antenna and reduced power.

Our review indicates that no interference is likely to result from the proposed STA operation, and that the Public Interest would be served by providing for continued operation of the station pending resolution of the directional antenna orientation issue.

Accordingly, the request for STA IS HEREBY GRANTED. Station KKLY may operate with the facilities described in the request; in particular:

Geographic coordinates:	31° 47′ 43″ N, 106° 28′ 52″ W (NAD 1927)
Channel	208 (89.5 MHz)
Effective radiated power:	Not to exceed 1.75 kilowatts (Max-DA, H&V)
Antenna height:	
above ground:	59 meters
above mean sea level:	1610 meters
Above average terrain:	369 meters

EMF must use whatever means are necessary to protect workers and the public from exposure to

[1] KKLY is licensed for operation on Channel 208A (89.5 MHz) with effective radiated power ("ERP") of 0.175 kilowatt (H&V) and antenna height above average terrain ("HAAT") of 307 meters. Construction Permit BPED-20020301AMI authorizes relocation of the transmitter, an upgrade to Class C2, an increase in ERP to 3.5 kW (Max-DA, H&V) and an increase in HAAT to 369 meters.

radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310. It is anticipated that EMF will act expeditiously to resolve the matter discussed above and file such applications and/or amendments as may be necessary to license its new facilities.

This authority expires on **November 7, 2010**.

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: Educational Media Foundation