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October 25, 2010

Donald E. Martin, Esq.
Box 8433
Falls Church, Virginia 22041

Re: Board of Regents, Murray State University
W286AM (FX), Madisonville, Kentucky
Facility Identification Number: 149023
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed October 22, 2010, on behalf of the Board of Regents, Murray State University ("MSU"). MSU requests special temporary authority ("STA") to operate FM Translator W286AM with temporary facilities.[1] In support of the request, MSU states that co-located Station WNKJ(FM) is ready to install a new antenna, and that there is insufficient separation between the new WNKJ antenna and the existing W286AM antenna. MSU states that it has filed Application BPFT-20100816ACT to reduce its antenna height and increase its effective radiated power ("ERP"); however, in the interim, it requests STA for operation with the reduced antenna height and the currently licensed ERP. MSU states that, absent grant of the requested STA, the translator would not be able to broadcast until a new authorization is received.

Our review indicates that the Public Interest would be served by grant of the requested STA, thereby permitting Station W286AM to continue operation during the pendancy of its application, and that the proposed STA operation is not likely to result in interference to other stations.

Accordingly, the request for STA IS HEREBY GRANTED. Station W286AM may operate with the following facilities:

Geographic coordinates:	37° 23′ 25″ N, 87° 29′ 42″ W (NAD 1927)
Channel	286 (105.1 MHz)
Effective radiated power:	0.055 kilowatt (H&V)
Antenna manufacturer and type:	Scala, model CA2-FM/CP, directional
Antenna orientation:	180° True
Antenna height:	
above ground:	44 meters
above mean sea level:	199 meters

[1] W286AM is licensed for operation on Channel 286D (105.1 MHz) with effective radiated power of 0.055 kilowatt (Max-DA, H&V) and antenna height above ground of 54 meters.

MSU 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 **April 25, 2011**.

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: Board of Regents, Murray State University