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January 28, 2011

Wolfgang Kurtz
Alaska Educational Radio System, Inc.
33282 Brown's Lake Road
Soldotna, Alaska 99669

Re: KABN-FM, Kasilov, Alaska
Facility Identification Number: 93588
Alaska Educational Radio System, Inc.
Special Temporary Authorization

Dear Mr. Kurtz:

This is in reference to the request filed on May 8, 2008, and supplemented on January 28, 2011[1], on behalf of Alaska Educational Radio System, Inc. (AERS). AERS seeks special temporary authority (STA) to operate Station KABN-FM with temporary facilities.[2] In support of the request, AERS states that Station KABN-FM has been silent since January 31, 2010, and thus faces the loss of its license if it does not resume broadcasting on or before January 31, 2011. AERS further states that the facility authorized by Construction Permit BPED-20080310AAI has been fully constructed and tested and is ready for operation; however, an apparent error in the polarization of the authorized antenna needs to be resolved before an application for license can be filed.

Our review indicates that the proposed STA operation is not likely to cause interference to any other station, and the Public Interest would be served by preservation of the station's license until the antenna discrepancy can be resolved and an application for license filed and processed.

Accordingly, the request for STA IS HEREBY GRANTED, with modification based on the information provided as discussed above. Station KABN-FM may operate on Channel 205A (88.9 MHz) with the facilities authorized by Construction Permit BPED-20080310AAI, but with a horizontally polarized antenna instead of the authorized vertically polarized antenna, and reduced effective radiated power not to exceed 0.5 kW. AERS 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 **July 28, 2011**.

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[1] The supplemental information was provided to the staff via telephone and e-mail.

[2] Station KABN-FM is licensed for operation on Channel 208A (89.5 MHz) with effective radiated power ("ERP") of 0.5 kilowatt (H only), and antenna height above average terrain ("HAAT") of 60 meters. Construction Permit BPED-20080310 AAI authorizes a change in transmitter site, a change in frequency to Channel 205A (88.9 MHz) and operation with ERP of 3.2 kilowatts (V only), and HAAT of 102 meters.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *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;
- 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: Alaska Educational Radio System, Inc.