FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
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May 4, 2011

Harry C. Martin, Esq.
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1300 North 17th Street, 11th Floor
Arlington, Virginia 22209-3801

Re: Horizon Christian Fellowship
K238AZ(FX), Odessa, Texas
Facility Identification Number: 155720
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed May 3, 2011, on behalf of Horizon Christian Fellowship ("HCF"). HCF requests special temporary authority ("STA") to operate FM Translator K238AZ with temporary facilities.[1] In support of the request, HCF states that K238AZ has been off the air since May 6, 2010. HCF states that an application has been filed to modify the station's facilities, but it is not expected to be granted in time to avoid cancellation of the license on May 7, 2011. HCF requests STA for operation with temporary facilities in order to preserve the station's license.

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 complies with the foregoing criteria.

Accordingly, the request for STA IS HEREBY GRANTED. Station K238AZ may operate with the following facilities:

Geographic coordinates:	31° 54′ 33″ N, 102° 13′ 55″ W (NAD 1927)
Channel	238 (95.5 MHz)
Effective radiated power:	0.01 kilowatt (V only)
Antenna height:	
above ground:	4 meters
above mean sea level:	874 meters
above average terrain:	4 meters

[1] K238AZ is licensed for operation on Channel 238D (95.5 MHz) with effective radiated power of 0.17 kilowatt (H&V) and antenna height above average terrain of 42 meters.

[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.

HCF must notify the Commission when licensed operation is restored. HCF 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. The action taken herein is without prejudice as to the Commission's final action with regard to any subsequently filed application for construction permit. Any construction undertaken pursuant to this authority is entirely at HCF's own risk.

This authority expires on **November 4, 2011**.

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: Horizon Christian Fellowship