

FEDERAL COMMUNICATIONS COMMISSION
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AUDIO DIVISION
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August 17, 2012

Anne Goodwin Crump, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209-3801

Re: North Texas Radio Group, L.P.
K265DW(FX), Mount Pleasant, Texas
Facility Identification Number: 156757
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed August 16, 2012, on behalf of North Texas Radio Group, L.P. ("NTR"). NTR requests special temporary authority ("STA") to operate FM Translator K265DW with temporary facilities.¹ In support of the request, NTR states that, under the prior licensee, the station was forced to go silent due to technical difficulties. NTR states that it believes it is close to an agreement for a new transmitter site, and that it will file an application to relocate the transmitter once the agreement has been reached. In the interim, in order to prevent loss of the station's license, NTR requests STA to operate the translator with temporary facilities.

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 service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ 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 K265DW may operate with the following facilities:

Geographic coordinates:	33° 09' 52" N, 94° 57' 25" W (NAD 1927)
Channel	265 (100.9 MHz)
Effective radiated power:	0.15 kilowatt (H&V)
Antenna height:	
above ground:	25 meters
above mean sea level:	151 meters
above average terrain:	37 meters

¹ K265DW is licensed for operation on Channel 265D (100.9 MHz) with effective radiated power of 0.25 kilowatt (H&V) and antenna height above average terrain of 71 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.

NTR must notify the Commission when licensed operation is restored. NTR 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 **February 17, 2013**.

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: North Texas Radio Group, L.P.