

**FEDERAL COMMUNICATIONS COMMISSION**  
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August 20, 2013

Anne G. Crump  
Fletcher, Heald & Hildreth, PLC  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, VA 22209

Re: K265DW (FM), Mount Pleasant, TX  
North Texas Radio Group, L.P.  
Facility Identification Number: 156757  
Special Temporary Authority  
BSTA-20130815AAG

Dear Counsel:

This is in reference to the request filed August 15, 2013, on behalf of North Texas Radio Group, L.P. ("NTRG"). NTRG requests special temporary authority ("STA") to operate FM translator Station K265DW with temporary facilities.<sup>1</sup> K265DW was taken silent on September 1, 2011 by the previous licensee because of technical problems. After NTRG acquired the station, it operated K265DW for a short period on STA (BSTA-20120816AAW), before taking the station silent again on August 30, 2012. Because the station is required to resume operations by August 30, 2013 to avoid automatic cancellation of the station's license,<sup>2</sup> NTRG requests authority to operate this translator at a different site pending the filing, grant, and implementation of its long-promised application for modified 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 service<sup>3</sup> to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area<sup>4</sup> without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. We find that the present STA request complies with these criteria.

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<sup>1</sup> K265DW is licensed for operation on Channel 265D (100.9 MHz) with an effective radiated power of 0.250 kilowatts (H&V) and an antenna height above average terrain of 71 meters.

<sup>2</sup> As a matter of law, and under Section 312(g) of the Communications Act, a silent station must resume operation within one year of falling silent, or the license is automatically forfeited. Thus K265DW is required to resume operation on or before August 30, 2013 in order to preserve the station's license.

<sup>3</sup> For AM - 5 mV/m; for commercial FM - 3.16 mV/m (70 dBu); for noncommercial educational FM - 1.0 mV/m (60 dBu).

<sup>4</sup> For AM - 0.5 mV/m contour; for FM - 1.0 mV/m (60 dBu) contour.

Accordingly, the request for STA IS HEREBY GRANTED, and translator K265DW may operate with the following facilities:

Geographic coordinates: 33° 09' 52" N, 94° 57' 25" W (NAD 1927)  
Channel 265D (100.9 MHz)  
Effective radiated power: 0.150 kW  
Antenna height:  
    above ground: 25 meters  
    above mean sea level: 151 meters  
    above average terrain: 38 meters  
Antenna Structure Registration No.: 1276492

**This authority expires on February 16, 2014.** We expect that operations pursuant to this STA shall continue throughout the STA term.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [ending **August 30, 2013**], notwithstanding the grant of the present STA. 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). Please be aware that unauthorized operations – operations with facilities not authorized by a current STA or license – do not count as a resumption of operations within one year for the purposes of Section 312(g) of the Communications Act, and cannot be used to avoid the consequences of Section 312(g). See *A-O Broadcasting Corporation*, FCC 08-10, 23 FCC Rcd 603, released January 8, 2008.

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**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,



Dale Bickel,  
Senior Engineer  
Audio Division  
Media Bureau

cc: North Texas Radio Group, L.P.