FEDERAL COMMUNICATIONS COMMISSION
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February 28, 2007

John Crigler, Esq.
Garvey, Schubert & Barer
1000 Potomac Street NW, Fifth Floor
Washington, DC 20007

Re: KFAI(FM), Minneapolis, Minnesota
Facility Identification Number: 22630
Fresh Air, Inc.
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed February 6, 2007, on behalf of Fresh Air, Inc. ("FAI"). FAI requests special temporary authority ("STA") to operate Station KFAI with temporary facilities.[1] In support of the request, FAI states that, due to building redevelopment, it must vacate its licensed site by March 15, 2007, or go dark. FAI requests STA for operation from an adjacent high-rise building in downtown Minneapolis. Technical details are provided for the proposed operation.

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 operation complies with the foregoing.

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

Geographic coordinates:	44° 58' 32" N, 93° 16' 18" W (NAD 1927)
Channel	212 (90.3 MHz)
Effective radiated power:	0.03 kilowatt (H&V)

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[1] KFAI is licensed for operation on Channel 212A (90.3 MHz) with effective radiated power of 0.125 kilowatt (H&V) and antenna height above average terrain of 136 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.

Antenna height:

above ground:	249 meters
above mean sea level:	508 meters
Above average terrain:	241 meters

FAI must notify the Commission when licensed operation is restored. FAI 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 **August 28, 2007**.

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: Fresh Air, Inc.