FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

May 3, 2007

Mark N. Lipp, Esq.
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

Re: KGEE(FM), Pecos, Texas
Facility Identification Number: 76852
Cumulus Licensing, LLC
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed May 2, 2007, on behalf of Cumulus Licensing, LLC ("Cumulus"). Cumulus requests special temporary authority ("STA") to operate Station KGEE with emergency antenna facilities pursuant to Section 73.1680.[1] In support of the request, Cumulus states that the station's licensed antenna system and transmitter have been damaged. Cumulus requests STA for operation from a nearby existing tower, with reduced power and antenna height.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna.

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 Station KGEE has been silent since June 8, 2006, and thus faces the

---

[1] KGEE is licensed for operation on Channel 247C1 (97.3 MHz) with effective radiated power of 100 kilowatts (H&V) and antenna height above average terrain of 126 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.

loss of its license if it does not resume broadcasting on or before June 8, 2007. Our review further indicates that the proposed STA operation complies with Section 73.1680 and our STA policies.

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

Geographic coordinates:	31° 25′ 7″ N, 103° 30′ 58″ W (NAD 1927)
Channel	247 (97.3 MHz)
Effective radiated power:	0.3 kilowatt (H&V)
Antenna height:	
above ground:	24 meters
above mean sea level:	817 meters
Above average terrain:	21 meters

Cumulus must notify the Commission when licensed operation is restored. Cumulus 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 **November 3, 2007**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law if it does not resume broadcasting on or before June 8, 2007. *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: Cumulus Licensing, LLC