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June 19, 2007

James L. Primm, Esq.
Box 547
Arroyo Grande, California 93421

Re: KAWV(FM), Lihue, Hawaii
Facility Identification Number: 49898
James L. Primm
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed June 11, 2007, on behalf of James L. Primm ("JLP"). JLP requests special temporary authority ("STA") to operate Station KAWV from a site other than the licensed site.[1] In support of the request, JLP states that the licensed antenna is progressively failing, that the station is operating with greatly reduced power and that the foreign antenna manufacturer is offering very little support. JLP requests STA for operation with temporary facilities from a new site, and states that it is filing an application to permanently relocate to the STA site.

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 KAWV may operate with the following facilities:

Geographic coordinates:	21° 56' 10" N, 159° 26' 43" W (NAD 1927)
Effective radiated power:	0.2 kilowatt (H&V)
Antenna type:	Nondirectional
Antenna height	
Above ground:	5 meters
Above mean sea level:	386 meters

[1] KAWV is licensed for operation on Channel 251C1 (98.1 MHz) with effective radiated power of 51 kilowatts (H&V) and antenna height above average terrain of 4 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.

Above average terrain: 236 meters

JLP must notify the Commission when licensed operation is restored. JLP 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 authority granted herein is without prejudice as to the Commission's final action on Application BPH-20070605ACG. Any construction undertaken pursuant to this authority is entirely at JLP's own risk.

This authority expires on **June 4, 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