

**FEDERAL COMMUNICATIONS COMMISSION
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**MEDIA BUREAU
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June 14, 2017

Sun Mountain, Inc.
P.O. Box 230
Hardin, MT 59034

Re: Sun Mountain, Inc.
KYLW(AM), Lockwood, MT
Facility Identification Number: 129384
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed April 6, 2017, on behalf of Sun Mountain, Inc. ("SMI"). SMI requests special temporary authority ("STA") to operate station KYLW(AM) with an emergency antenna and reduced power from an alternate site location.¹ Station KYLW(AM) has lost the use of its previously licensed site and is in the process of locating an alternate site from which to broadcast. The station has been silent since June 22, 2016 and therefore SMI is requesting an STA to commence broadcast operations before 12:01 a.m., June 23, 2017 or its license will expire as a matter of law.

In support of the request, SMI states KYLW(AM) proposes operation from an alternate site employing a long-wire inverted V antenna and with a reduced power of 30 watts. The proposed site is located 3.9 miles from the licensed KYLW(AM) 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 to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area² without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

Accordingly, the request for STA is GRANTED. Station KYLW(AM) may operate with the

¹ KYLW(AM) is licensed for operation on 1450 kHz with a daytime power of 1 kilowatt and a nighttime power of 1 kilowatt, employing a non-directional antenna pattern (ND2-U).

² For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

following facilities:

Geographic coordinates	45° 46' 05" N, 108° 22' 25" W (NAD 1927)
Frequency	1450 KHz
Hours of operation	Unlimited
Operating power	Not to exceed 30 watts
Antenna type	Long-wire antenna (inverted "V", $\frac{1}{4} \lambda$), 51.7 m
Overall height	10.7 m

It will be necessary to further reduce power or cease operation if complaints of interference are received. KYLW(AM) must notify the Commission when licensed operation is restored. KYLW(AM) 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 **December 11, 2017**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law if broadcast operations do not commence by 12:01 a.m., June 23, 2017. *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,



Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Dan J. Alpert, Esq. (via email only)