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 22, 2008

Andrew S. Kersting, Esq.
Dickstein Shapiro LLP
1825 I Street NW
Washington, DC 20006

Re: KONN-FM, Bennett, Colorado
Facility Identification Number: 35023
KSIR-FM, LLC, Debtor in Possession
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed May 14, 2008, on behalf of KSIR-FM, LLC, Debtor in Possession ("KFL"). KFL requests special temporary authority ("STA") to continue operation of Station KONN-FM via the facilities of licensed FM Booster KONN-FM3.[1] In support of the request, KFL states that it plans to replace the station's damaged antenna system, which will require the removal of the existing antenna. KFL further states that, due to the need for structural work on the tower, the antenna replacement will require up to 90 days.

Our review indicates that the proposed STA operation is not likely to result in interference to any other licensed station. Although the city of license will not receive predicted 70 dBu service from the proposed STA operation, it appears that, given the nature of the local terrain, some useful service will be provided to the city.

Accordingly, the request for STA IS HEREBY GRANTED. Station KONN-FM may operate with the facilities of licensed FM Booster KONN-FM3. KFL must notify the Commission when licensed operation is restored. KFL 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 22, 2008**.

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

[1] KONN-FM is licensed for operation on Channel 296C (107.1 MHz) with effective radiated power of 97 kilowatts (H only) and antenna height above average terrain of 624 meters.

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: KSIR-FM, LLC, Debtor in Possession