

**FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554**

**MEDIA BUREAU / OFFICE OF BROADCAST LICENSE POLICY
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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February 6, 2004

Mitzi T. Gramling, Esq.
Associate General Counsel
Minnesota Public Radio
45 East Seventh Street
Saint Paul, Minnesota 55101-2274

Re: WMLS(FM), Grand Marias, Minnesota
Facility Identification Number : 92306
Minnesota Public Radio
Special Temporary Authorization

Dear Ms. Gramling:

This is in reference to your letter dated January 27, 2004, filed on behalf of Minnesota Public Radio (MPR). MPR requests special temporary authority (STA) to operate Station WMLS with reduced power.¹ In support of the request, MPR states that, since mid-January, 2004, the station has been required to operate with reduced power due to an interference problem at the site. STA is requested for continued operation with reduced power pending resolution of the matter.

Our review indicates that the matter is in the process of being resolved by the parties; thus STA is warranted in order to provide for continued operation of Station WMLS pending resolution of the interference problem.

Accordingly, the request for STA IS HEREBY GRANTED. Station WMLS may continue to operate with reduced power. MPR must notify the Commission when licensed operation is restored. MPR 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 6, 2004**.

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 WMLS is authorized (BPED-19981208MI) for operation on Channel 204C3 (88.7 MHz) with effective radiated power of 6 kilowatts (H&V) and antenna height above average terrain of 194 meters. License Application BLED-20020411AAK is pending before the Commission.

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,



f Edward P. DeLaHunt, Associate Chief
Audio Division
Office of Broadcast License Policy
Media Bureau