

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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June 2, 2009

Eloy Castro
Vision Latina Broadcasting, Inc.
3101 Thirty-second Street
Port Arthur, Texas 77642

Re: Vision Latina Broadcasting, Inc.
KBPO (AM), Port Neches, Texas
Facility Identification Number: 68762
Special Temporary Authority

Dear Mr. Castro:

This is in reference to the request filed May 29, 2009, on behalf of Vision Latina Broadcasting, Inc. ("VLB"). VLB requests special temporary authority ("STA") to operate Station KBPO with directional antenna facilities at variance from its license.¹ For reasons which are discussed herein, the request is denied.

In support of the request, VLB states that it has restored the station's towers, but at a lower height than specified in the station's license, due to property restrictions.

Our review indicates that the licensed towers of Station KBPO were destroyed by Hurricane Ike and that the station has been silent since February 28, 2009, following a brief period of operation with an emergency nondirectional antenna and reduced power pursuant to STA granted on February 26, 2009. That STA was granted based on VLB's representation that one of the licensed towers had been restored. Our review further indicates that VLB has restored the station's directional antenna system with towers shorter than specified on its license, but that no application for construction permit has been filed with the Commission.

Section 73.1690(B)(1) of the Commission's rules states that prior grant of an application for construction permit is required for any construction of a new tower for broadcast purposes, **except for replacement of an existing tower with a new tower of identical height and geographic coordinates.** Section 73.1690(b)(4) states that prior grant of an application for construction permit is required for any change in the directional radiation characteristics of an AM directional antenna system. Based on the information provided, it appears that VLB is in violation of Sections 73.1690(b)(1) and 73.1690(b)(4). Because VLB's request for STA specifies

¹ KBPO is licensed for operation on 1150 kHz with 0.5 kilowatt daytime and 0.063 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

operation with facilities constructed in violation of the Commission's rules, it cannot be granted. VLB must immediately file an application for construction permit which specifies the new, shorter towers.

Accordingly, the request for STA IS HEREBY DENIED. This action is without prejudice to whatever action the Commission may take with regard to the apparent premature construction discussed herein.

The action taken herein does not preclude Station KBPO from operating in accordance with the terms and conditions of the STA granted on February 26, 2009; however, no request to extend that authority will be granted absent the filing of the application discussed above. The station's license will expire as a matter of law upon twelve consecutive months of silence. *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.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Vision Latina Broadcasting, Inc.