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November 13, 2007

John Wells King, Esq.
Garvey, Schubert & Barer
1000 Potomac Street NW, 5th Floor
Washington, DC 20007

Re: KMPC(AM), Los Angeles, California
Facility Identification Number: 61647
P & Y Broadcasting Corporation
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed October 29, 2007, on behalf of P & Y Broadcasting Corporation ("PYBC"). PYBC requests special temporary authority ("STA") to operate Station KMPC with a nondirectional antenna and reduced power.¹ In support of the request, PYBC states that STA is necessary in order to permit the licensee to make repairs to the ground system.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Our review indicates that the requested daytime STA operation complies with Section 73.1680; however, the nighttime operation does not. Also, because of the potential for interference with other stations, nondirectional operation must be limited to the minimum time necessary. Directional operation with parameters at variance is less likely to cause interference, and so is to be preferred whenever possible. The request for STA will be granted with appropriate modifications.

Accordingly, the request for STA IS HEREBY GRANTED, with modifications as discussed above. Station KMPC may operate with parameters at variance from licensed values and/or reduced power while maintaining monitor points within licensed limits. Operation with a nondirectional antenna and reduced power not to exceed 12.5 kilowatts daytime and **9.25 kilowatts nighttime** also is authorized, only as necessary to facilitate the repair work. It will be necessary to further reduce power or cease operation if complaints of interference are received. PYBC must notify the Commission when licensed operation is restored.² PYBC must use

¹ KMPC is licensed for operation on 1540 kHz with 50 kilowatts daytime and 37 kilowatts nighttime, employing different directional antenna patterns during daytime and nighttime hours. (DA-2-U).

² See 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b)

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 **February 13, 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 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: P&Y Broadcasting Corporation