

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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January 8, 2013

Jack N. Goodman, Esq.
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1200 New Hampshire Ave., NW
Suite 800
Washington, DC 20036

Re: KBYO(AM), Tallaluh, Louisiana
Facility Identification Number: 59997
Retail Social Activities Center, Inc.
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed January 4, 2013, on behalf of Retail Social Activities Center, Inc. ("RSAC"). RSAC requests special temporary authority ("STA") pursuant to Section 73.1635 of the Commission's Rules to operate at variance from its authorized technical parameters.¹

In support of the request, RSAC states that KBYO(AM) has been silent since January 2012 while it seeks new facilities. Although it located a new facility, upon investigation, the facility would not have allowed the station to provide the required signal over its community of license. Therefore, in the interim it proposes to operate with parameters at variance and co-locate with radio station KTJZ(FM).

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 service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing criteria.

Accordingly, the request for STA IS HEREBY GRANTED. Station KBYO(AM) may operate

¹ KBYO(AM) is licensed for operation on 1360 kHz with 0.5 kilowatt daytime and 0.131 kilowatt nighttime, employing a nondirectional antenna (ND-2-U).

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

with the following facilities:

Geographic coordinates	32° 25' 42" N, 91° 18' 47" W (NAD 1927)
Frequency	1360 KHz
Hours of operation	Daytime only
Operating power	0.2 kilowatt
Antenna type	Existing registered tower (ASRN:1219427) with four above-ground ¼ wave radials
Radiator electrical height	27.7° (17 meters)
Antenna efficiency	112.1 mV/m/km/kW
Overall height	103.6 meters

It will be necessary to further reduce power or cease operation if complaints of interference are received. RSAC must notify the Commission when licensed operation is restored.⁴ RSAC 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 **July 8, 2013**.

Notwithstanding the grant of this STA or the expiration date specified herein, 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.

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.

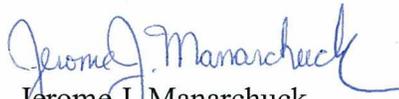
Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

⁴ See 47 CFR §§ 73.45(c), 73.51, 73.61(b).

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: Retail Social Activities Center, Inc.