

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: Dale Bickel
TELEPHONE: (202) 418-2706
FACSIMILE: (202) 418-1410
E-MAIL: dale.bickel@fcc.gov

January 23, 2013

John S. Neeley
Miller and Neeley, P.C.
6900 Wisconsin Avenue, Suite 704
Bethesda, MD 20815

Re: KKXX-FM, Shafter, CA
AGM California, Inc.
Facility Identification Number: 35953
Special Temporary Authorization
BSTA-20130117ADF

Dear Counsel:

This is in reference to the request filed January 17, 2013, on behalf of AGM California, Inc. ("AGM"). AGM states that the tower for KKXX-FM collapsed on January 10, 2013, and that the station has resumed limited operations with an emergency 1 bay antenna at reduced power. The antenna is mounted at a height of 6 meters (20 feet) above ground level, on the roof of the adjacent transmitter building, and is being fed with a transmitter output power of 2.0 kW (so an effective radiated power of about 1 kW). AGM requests authority to continue using this temporary facility while it cleans up and prepares to rebuild.

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)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna.

Accordingly, the request for STA IS HEREBY GRANTED. Station KKXX-FM may continue to operate with emergency antenna facilities as described above. AGM must notify the Commission when licensed operation is restored. AGM 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 23, 2013**.

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,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: AGM California, Inc.