

**FEDERAL COMMUNICATIONS COMMISSION**  
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May 29, 2009

A. Wray Fitch III, Esq.  
Gammon & Grange, P.C.  
8280 Greensboro Drive, Seventh Floor  
McLean, VA 22102-3807

In re: KRCM (AM), Beaumont, Texas  
Facility Identification Number: 14228  
Voice Broadcasting, Inc.  
Request for Special Temporary Authority

Dear Counsel:

This is in reference to the request filed May 26, 2009, on behalf of Voice Broadcasting, Inc. ("VBI"), licensee of Station KRCM (AM), Beaumont, Texas.<sup>1</sup> VBI requests special temporary authority ("STA") for operation of Station KRCM with temporary facilities.

In support of the request, VBI states that the station's tower was damaged by Hurricane Rita and has been dismantled and that, following a short period of operation with a temporary tower<sup>2</sup>, it was forced to cease operation. VBI states that it has obtained a location within the community of Beaumont where a temporary, long wire antenna can be constructed. VBI seeks STA for operation with the wire antenna in order to preserve its license pending implementation of new, permanent facilities authorized by Construction Permit BMJP-20050118ADX.

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 service<sup>3</sup> to the licensed community; (3) STA facilities must maintain, as closely as

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<sup>1</sup> Station KRCM is licensed to Beaumont, Texas, for operation on 1380 kHz with 1 kilowatt daytime and 0.127 kilowatt nighttime, employing a nondirectional antenna (ND-2-U). Construction Permit BMJP-20050118ADX authorizes relocation of the station to Shenandoah, Texas; relocation of the transmitter, a reduction in antenna height and operation with 0.25 kilowatt daytime and 0.069 kilowatt nighttime. The permit was granted on May 15, 2007, and expires on May 15, 2010.

<sup>2</sup> See STA granted July 25, 2007.

<sup>3</sup> For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

practicable, the licensed service area<sup>4</sup> 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. Our review further indicates that Station KRCM has been silent since June 10, 2008, and thus faces the loss of its license if it does not resume broadcasting on or before June 10, 2009. We note that the previous STA expired on January 25, 2008, yet the record indicates that operation continued with the temporary tower for nearly six months thereafter. The STA will be conditioned appropriately.

Accordingly, the request for STA IS HEREBY GRANTED. Station KRCM may operate with the following facilities:

Geographic coordinates:	30° 04' 08" N, 94° 09' 44" W (NAD 1927)
Frequency:	1380 kHz
Operating hours:	Unlimited
Operating power:	Not to exceed 1 kW daytime, 0.127 kW nighttime
Antenna type:	Long wire

It will be necessary to reduce power or cease operation if complaints of interference are received. VBI 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. The action taken herein is without prejudice as to whatever action the Commission may take with regard to the apparent unauthorized operation of Station KRCM between the dates of January 26, 2008, and June 10, 2008.

This authority expires on **November 29, 2009**.

Notwithstanding the grant of this STA or the expiration date specified herein, **the station's license will expire as a matter of law if it does not resume broadcasting on or before June 10, 2009**. *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.

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<sup>4</sup> For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

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,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Voice Broadcasting, Inc.