

FEDERAL COMMUNICATIONS COMMISSION
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July 19, 2011

Bruce L. Merchant, President
Merchant Broadcasting, Inc.
113 East Napoleon Street
Sulphur, Louisiana 70663

Re: Merchant Broadcasting, Inc.
KEZM (AM), Sulphur, Louisiana
Facility Identification Number: 36210
Special Temporary Authority

Dear Mr. Merchant:

This is in reference to the request filed July 14, 2011, on behalf of Merchant Broadcasting, Inc. ("MBI"). MBI requests special temporary authority ("STA") to operate Station KEZM with temporary facilities.¹ In support of the request, MBI states that it has lost the lease on its licensed site and has removed its equipment from the site. MBI states that it has located an unused tower in the city of license, and requests STA for operation with a temporary nondirectional antenna and reduced power, until it can locate a new, permanent site for the station.

Our review indicates that the proposed STA operation complies with the technical provisions of Section 73.1680, which governs emergency antenna operation, and Section 73.1615, which governs operation during modification of facilities.

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

Geographic coordinates	30° 14' 11" N, 93° 20' 47" W (NAD 1927)
Frequency	1310 KHz
Hours of operation	Unlimited
Operating power	Not to exceed 0.125 kW daytime, 0.0125 kW nighttime
Antenna type	Existing tower with skirt feed, nondirectional
Antenna efficiency	201 mV/m/km/kW
Overall height	42.6 meters

It will be necessary to further reduce power or cease operation if complaints of interference are

¹ KEZM is licensed for operation on 1310 kHz with 0.5 kilowatt daytime and 0.05 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

received. MBI must notify the Commission when licensed operation is restored.² MBI 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 **January 19, 2012**.

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: Merchant Broadcasting, Inc.

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