

FEDERAL COMMUNICATIONS COMMISSION
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June 17, 2011

Richard J. Hayes, Jr., Esq.
27 Water's Edge Drive
Lincolnville, Maine 04849

Re: KLMA, Hobbs, New Mexico
Facility Identification Number: 50155
Ojeda Broadcasting, Inc.
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed June 14, 2011, on behalf of Ojeda Broadcasting, Inc. ("OBI"). OBI requests special temporary authority ("STA") to operate Station KLMA with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, OBI states that the station's licensed antenna has failed and must be returned to the manufacturer for repair. In order to maintain service to its community of license in the interim, OBI requests STA for operation with an emergency antenna mounted on the STL tower at the studio site.

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. 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 KLMA may continue to operate with the following facilities:

| | |
|---------------------------|--|
| Geographic coordinates: | 32° 42' 01" N, 103° 06' 54" W (NAD 1927) |
| Channel: | 243 (96.5 MHz) |
| Effective radiated power: | 0.47 kW (H&V) |
| Antenna type: | Nondirectional |

¹ KLMA is licensed for operation on Channel 243C1 (96.5 MHz) with effective radiated power ("ERP") of 100 kW (H&V) and antenna height above average terrain ("HAAT") of 115 meters.

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.

Antenna height:

| | |
|------------------------|-------------|
| above ground: | 24 meters |
| above mean sea level: | 1136 meters |
| above average terrain: | 27 meters |

OBI must notify the Commission when licensed operation is restored. OBI 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 **December 17, 2011**.

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: Ojeda Broadcasting, Inc.