

**FEDERAL COMMUNICATIONS COMMISSION**  
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December 3, 2010

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

Re: KLZ Radio, Inc.  
KLVZ (AM), Brighton, Colorado  
Facility Identification Number: 35089  
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed December 2, 2010, on behalf of KLZ Radio, Inc. (KRI). KRI requests special temporary authority (STA) to operate Station KLVZ during nighttime hours with its substantially adjusted nighttime directional pattern pending the filing and processing of an application for license based on Method of Moments ("MOM") analysis, pursuant to Section 73.151(c).<sup>1</sup>

Our review indicates that, due to the derivation of new operating parameters via MOM analysis, neither the currently licensed antenna monitor readings nor the licensed monitor point field strength limits will necessarily be applicable to the proposed STA operation. STA will be granted as requested.

Accordingly, the request for STA IS HEREBY GRANTED. Station KLVZ may operate during nighttime hours with its substantially adjusted nighttime directional antenna system pending the filing and processing of an application for modification of license supported by a MOM proof of performance pursuant to 47 C.F.R. Section 73.151(c). Operating parameters shall be maintained as specified in the request<sup>2</sup>. It will be necessary to reduce power or cease operation if complaints of interference are received. KRI 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.

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<sup>1</sup> KLVZ is licensed for operation on 810 kHz with 2.2 kilowatts daytime and 0.43 kilowatt nighttime, employing separate transmitter sites and different directional antenna patterns daytime and nighttime (DA-2-U). The daytime array is licensed pursuant to MOM proof (BMML-20090603AHB); the nighttime array with a field-strength proof (BL-20051125ADA). Construction Permit BP-20070912AAC authorizes an increase in daytime operating power to 10 kW.

<sup>2</sup> Operating parameters shall be maintained within  $\pm 5\%$  current ratios and  $\pm 3^\circ$  phase of the MOM-derived operating parameters, which shall be posted with the station license along with a copy of this letter.

This authority expires on **June 3, 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,

A handwritten signature in blue ink, appearing to read "Charles N. Miller".

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: KLZ Radio, Inc.