

**FEDERAL COMMUNICATIONS COMMISSION**  
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February 12, 2013

John S. Neely, Esq.  
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3750 University Blvd., West  
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Re: AGM California, Inc.  
KERN(AM), Wasco-Greenacres, CA  
Facility Identification Number: 35899  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed February 6, 2013, on behalf of AGM California, Inc. ("ACI"). ACI requests special temporary authority ("STA") to operate station KERN(AM) with emergency antenna facilities pursuant to 73.1680.<sup>1</sup> In support of the request, ACI states that the main transmission line overheated and melted on January 30, 2013. As a result, the station is not currently able to operate directionally at full licensed parameters. Therefore, KERN(AM) is seeking STA to operate non-directionally both day and night with reduced power.

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)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Our review indicates that the proposed daytime nondirectional power level would exceed 25% of the licensed directional power and thus not comply with Section 73.1680. Therefore, it is necessary for KERN(AM) to reduce the daytime nondirectional power level to 12.5 kilowatts. In addition, in light of the greater potential for interference to other stations resulting from emergency nondirectional operation, operation also is authorized with parameters at variance and/or reduced power while maintaining monitor points within licensed limits as the preferred mode of operation.

Accordingly, the request for STA IS HEREBY GRANTED. Station KERN(AM) may operate

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<sup>1</sup> KERN(AM) is licensed for operation on 1180 kHz with 50 kilowatts daytime and 10 kilowatts nighttime, employing different directional antenna patterns daytime and nighttime (DA2-U).

with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Operation with an emergency nondirectional antenna and reduced power not to exceed 12.5 kilowatts daytime and 2.5 kilowatts nighttime is authorized. It will be necessary to further reduce power or cease operation if complaints of interference are received. ALC 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 **May 13, 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,

  
Jerome J. Manarchuck  
Audio Division  
Media Bureau

cc: AGM California, Inc.