

**FEDERAL COMMUNICATIONS COMMISSION  
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September 22, 2008

John S. Neely, Esq.  
Miller & Miller, P.C.  
1990 M Street NW, Suite 760  
Washington, DC 20036

Re: WXJC(AM), Birmingham, Alabama  
Facility Identification Number : 74245  
Kimtron, Inc.  
Special Temporary Authorization

Dear Mr. Neely:

This is in reference to the request filed February 14, 2008, on behalf of Kimtron, Inc. (Kimtron). Special temporary authority (STA) is requested to operate Station WXJC with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.<sup>1</sup>

In support of the request, Kimtron states that it has observed reradiation from an as yet unidentified source which has adversely impacted the station's directional pattern, and that its antenna system has been damaged by copper thieves.

Accordingly, the request for STA IS HEREBY GRANTED. Station WXJC may operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. It will be necessary to further reduce power or cease operation if complaints of interference are received. Kimtron must notify the Commission when licensed operation is restored.<sup>2</sup> Kimtron 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 22, 2008**.

**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

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<sup>1</sup> WXJC is licensed for operation on 850 kHz with 50 kilowatts daytime and 1 kilowatt nighttime, employing different directional antenna patterns during daytime and nighttime hours (DA-2-U).

<sup>2</sup> See 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

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: Kimtron, Inc.