



Federal Communications Commission
Washington, D.C. 20554

March 30, 2022

Opus Broadcasting Systems, Inc.
511 Rossanley Drive
Medford, OR 97501

Re: Opus Broadcasting Systems, Inc.
KEZX(AM), Medford, OR
Fac. ID No: 23032
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed March 25, 2022 on behalf of Opus Broadcasting Systems, Inc. ("OBS"). OBS requests special temporary authority ("STA") to operate station KEZX(AM) with reduced power.¹

In support of the request, OBS states that due to financial reasons the station has been off the air since March 31, 2021. Thus, the station must resume broadcast operations by 12:01 a.m., April 1, 2022 or its license will expire as a matter of law. In order to prevent the station's license from expiring, KEZX(AM) requests an STA to resume broadcast operations at reduced power. The station's transmitter site was vandalized in September of 2021 and parts were gutted from the transmitter. Thus, the station is requesting STA to use an alternate transmitter and to operate with a reduced daytime power of 10 watts. No changes are proposed to the nighttime operation.

Section 73.1560(d), which governs reduced power operation, states:

In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (see Section 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.

Our review indicates that the request complies with Section 73.1560(d).

Accordingly, the request for STA IS HEREBY GRANTED. Station KEZX(AM) may operate with a reduced daytime power of 10 watts. No changes are proposed to the nighttime operation. KEZX(AM) must notify the Commission when licensed operation is restored. In addition, the station 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.

¹ KEZX(AM) is licensed on 730 kHz with a daytime power of 1 kilowatt and a nighttime power of 0.074 kilowatt, employing a non-directional antenna pattern (ND1-U).

This authority expires on **September 26, 2022**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law if broadcast operations do not commence by 12:01 a.m., April 1, 2022. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1)(1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also* *Public Notice*, Expedited Processing of Applications Filed by Silent Stations, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

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 dark ink, reading "Jerome J. Manarchuck". The signature is fluid and cursive, with the first name "Jerome" and last name "Manarchuck" clearly legible.

Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Mark B. Denbo, Esq. (via email only)