

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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July 6, 2009

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 December 19, 2008, on behalf of Kimtron, Inc. (Kimtron). Kimtron requests extension of the special temporary authority ("STA") granted on September 22, 2008, to operate Station WXJC with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.¹ In support of the request, Kimtron states that it has made efforts to restore its ground system; however, these efforts have been delayed by new copper theft incidents. Kimtron further states that it has determined that the reradiation is caused by multiple sources. Kimtron requests extension of STA while it continues its investigation to identify the reradiators and resolve the issue.

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.

Our review indicates that the licensee has been prevented from restoring licensed operation due to causes beyond its control and has taken all possible steps to expeditiously resolve the problem. Thus, extension of STA is warranted.

¹ 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).

Accordingly, the request for extension of STA IS HEREBY GRANTED. Station WXJC may continue to 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.² 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 **January 6, 2010**.

Sincerely,

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

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Kimtron, Inc.

² *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).