

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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November 3, 2009

Matthew Provenzano
740 Voss Road
Houston, Texas 77024

Re: Matthew Provenzano
KHLT (AM), Hallettsville, Texas
Facility Identification Number: 67285
Special Temporary Authority

Dear Mr. Provenzano:

This is in reference to the request filed October 26, 2009, on behalf of Matthew Provenzano ("MP"). MP requests special temporary authority ("STA") to operate Station KHLT with temporary facilities.¹

In support of the request, MP states that Station KHLT has lost the use of its licensed site and has been silent since November 15, 2008. MP states that it holds Construction Permit BP-20081222ACM, which authorizes a change in transmitter site and community of license (*See* Note 1, below); however, the new facilities are not yet complete. MP requests STA for operation with temporary facilities from a site 0.6 kilometer south of the licensed site.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing.

¹ KHLT is licensed to Hallettsville, Texas, for operation on 1520 kHz with 0.25 kilowatt, daytime hours only, employing a nondirectional antenna (ND-D-D). Construction permit BP-20081222ACM authorizes a change in community of license to Stockdale, relocation of the transmitter and an increase in operating power to 2.5 kilowatts, employing a directional antenna (DA-D-D).

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

Accordingly, the request for STA IS HEREBY GRANTED. Station KHLT may operate with the following facilities:

Geographic coordinates	29° 26' 18" N, 96° 57' 23" W (NAD 1927)
Frequency	1520 KHz
Hours of operation	Daytime only
Operating power	Not to exceed 0.25 kilowatt
Antenna type	temporary, portable tower
Antenna efficiency	287 mV/m/km/kW
Overall height	33.5 meters

It will be necessary to further reduce power or cease operation if complaints of interference are received. MP must notify the Commission when licensed operation is restored.⁴ MP 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 3, 2010**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *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:

⁴ *See* 47 CFR §§ 73.45(c), 73.51, 73.61(b).

- 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". The signature is fluid and cursive, with the first name "Charles" being the most prominent part.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Matthew Provenzano