

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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December 17, 2009

Dan J. Alpert, Esq.
2120 North 21st Road, Suite 400
Arlington, Virginia 22201

Re: Proctor-Williams, Inc.
KSET (AM), Silsbee, Texas
Facility Identification Number: 31108
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed November 25, 2009, on behalf of Proctor-Williams, Inc. ("PWI"). PWI requests special temporary authority ("STA") to operate Station KSET pursuant to Section 73.1615.¹ In support of the request, PWI states that it is in the process of completing construction of modified KSET facilities as authorized by Construction Permit BMP-20090810ADB. Counsel has advised the staff via telephone that PWI plans to submit a Method of Moments ("MOM") proof of performance as an amendment to the pending license application (*See Note 1, below*).

Section 73.1615, which governs operation during modification of facilities, provides that AM licensees holding construction permits which involve directional facilities may discontinue operation, may operate with reduced power or with parameters at variance from licensed tolerances while maintaining monitor points within licensed limits, may operate in nondirectional mode during presently licensed hours of directional operation with power reduced to 25% of licensed directional power, may operate during daytime hours only in nondirectional mode with power reduced to 25% of construction permit directional power only as necessary to conduct nondirectional proof measurements, may operate during daytime hours with the substantially adjusted daytime or nighttime directional facilities authorized by the permit and with the power authorized by the permit only as necessary to take proof of performance measurements. Operating power shall be reduced to currently licensed levels when proof measurements are not being taken.

¹ KSET is licensed to Silsbee, Texas, for operation on 1300 kHz with 0.5 kilowatt, daytime hours only, employing a nondirectional antenna (ND-D-D). Expired Construction Permit BMP-20061122AIO authorized relocation of the station to Lumberton and operation with 1.5 kW daytime and 0.32 kW nighttime, employing different directional patterns daytime and nighttime (DA-2-U). The permit expired on May 22, 2009; however, Application BL-20090622AGP, for license to cover the permit, is pending. Construction Permit BMP-20090810ADB authorizes an increase in daytime power to 2 kilowatts, a reduction in nighttime power to 0.27 kilowatt, and changes to the daytime and nighttime directional patterns. For purposes of this STA, the facilities specified in the pending license application are considered the "currently licensed" facilities.

Our review indicates that the request complies with Section 73.1615; however, since a MOM proof is planned, nondirectional field strength measurements are not required. Our review further indicates that Station KSET has been silent since February 17, 2009, and thus faces the loss of its license and permit if it does not resume broadcasting on or before February 17, 2010.

Accordingly, the request for STA IS HEREBY GRANTED. Station KSET may operate pursuant to Section 73.1615 and the terms and conditions of Construction Permit BMP-20090810ADB. In particular, the following modes of operation are authorized:

- 1) During daytime hours, with the substantially adjusted² daytime and/or nighttime directional patterns and powers authorized by the permit, for final adjustment and reference field strength measurements. Operating power shall be reduced to 1.5 kilowatts or less during any significant period of time when field strength measurements are not being taken.
- 2) During nighttime hours, with the substantially adjusted nighttime directional antenna pattern and power authorized by the permit.

It will be necessary to further reduce power or cease operation if complaints of interference are received. PWI 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 **July 9, 2009**.

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.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Proctor-Williams, Inc.

² Operating parameters shall be maintained within $\pm 5\%$ current ratios and $\pm 3^\circ$ phase of the moment method derived parameters, which must be posted with the station license along with a copy of this letter.