

FEDERAL COMMUNICATIONS COMMISSION
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May 20, 2011

John S. Neely, Esq,
Miller and Neely, P.C.
6900 Wisconsin Avenue, Suite 704
Bethesda, MD 20815

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

Dear Counsel:

This is in reference to the request filed May 17, 2011, on behalf of Kimtron, Inc. ("Kimtron"). Kimtron requests special temporary authority ("STA") to operate Station WXJC with parameters at variance.¹ In support of the request, Kimtron states that it is experiencing unstable antenna monitor indications in the nighttime mode. Kimtron further states that, unless further investigation indicates another course of action, it plans to replace the sample loops.

Our review indicates that Station WXJC is licensed on the basis of a Method of Moments ("MOM") proof of performance pursuant to Section 73.151(c); therefore, it has no licensed monitor points. STA will be granted for, *inter alia*, operation with parameters at variance from licensed values and reduced nominal power not to exceed 50% of licensed nominal power. In order to provide time for processing of a license application, STA is granted for the full, statutory term of 6 months.

Accordingly, the request for STA IS HEREBY GRANTED. Station WXJC may operate with parameters at variance and reduced nominal power not to exceed 25 kW daytime and 0.5 kW nighttime. Following completion of necessary modifications, sample system verification measurements, tower base impedance measurements and adjustments to the antenna system, operation is authorized with the substantially adjusted daytime and nighttime directional antenna systems at full licensed power, pending the filing and processing of an application for modification of license supported by a MOM partial proof of performance pursuant to 47 C.F.R. Section 73.151(c).² It will be necessary to further reduce power or cease operation if complaints

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).

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

of interference are received. 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 **November 20, 2011**.

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,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Kimtron, Inc.