

FEDERAL COMMUNICATIONS COMMISSION
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THOMAS CHRON
MAILED
AUG 11 2011

FCC Mail Room

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August 10, 2011

Peter Gutmann, Esq.
Womble Carlyle Sandridge & Rice PLLC
1401 I Street NW, Seventh Floor
Washington, DC 20005

Re: Sunburst Media, Inc.
KXMG(FM), Houma, Louisiana
Facility Identification Number: 25520
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed August 9, 2011, on behalf of Sunburst Media, Inc. ("SMI"). SMI requests special temporary authority ("STA") to operate Station KXMG with temporary facilities.¹

In support of the request, SMI states that it holds Construction Permit BPH-20070911ABG, which authorizes a change in community of license from Houma to Jean-Lafitte, and that the time to construct has been tolled due to the pendency of an application for review against the permit. SMI states that it had determined that it would proceed with construction of the new facilities, notwithstanding the concerns caused by the appeal, and that it had begun work. However, construction has been stopped due the threat of flooding on the Mississippi River.

SMI further states that the landlord at the currently licensed site has asked the station to vacate the premises as soon as possible, that the licensed transmitter has failed and that the station is currently operating with an unreliable backup transmitter at reduced power. SMI requests STA for operation from the existing WVUE-DT tower near its new community with temporary facilities until it can complete construction of the full, authorized facilities.

Section 73.1615, which governs operation during modification of facilities, provides that licensees holding construction permits for modification of directional or nondirectional FM and TV or nondirectional AM facilities may discontinue operation, may operate with temporary facilities to maintain, as nearly as possible, but not exceed, the size of the currently licensed coverage area. Such operation may commence upon notification to the FCC, and may continue

¹ KXMG is licensed to Houma, Louisiana, for operation on Channel 298C1 (107.5 MHz) with effective radiated power ("ERP") of 69 kilowatts (H&V) and antenna height above average terrain ("HAAT") of 198 meters. Construction Permit BPH-20070119ABG authorizes a change in the community of license to Jean-Lafitte, relocation of the transmitter, an increase in ERP to 100 kW (Max-BT, H&V) and an increase in HAAT to 299 meters.

for a period not exceeding 30 days. Should it be necessary to continue such operation beyond 30 days, a request for STA must be filed prior to the 30th day.

Our review indicates that the proposed STA 60 dBu contour would extend beyond that of the permit facilities, in contravention of Section 73.1615 and our STA policies. However, if the effective radiated power is reduced to 10 kilowatts, the extension would be eliminated. STA is granted with a power reduction to 10 kilowatts.

Accordingly, the request for STA IS HEREBY GRANTED, with modification as discussed above. Station KXMG may operate with the following facilities:

Geographic coordinates:	29° 57' 14" N, 89° 56' 58" W (NAD 1927)
Channel	298 (107.5 MHz)
Effective radiated power:	10 kilowatts (H&V)
Antenna height:	
above ground:	273 meters
above mean sea level:	274 meters
above average terrain:	274 meters
ASRN	1022410

SMI must notify the Commission when licensed operation is restored. SMI 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. The authority granted herein is without prejudice as to the Commission's final action with regard to Construction Permit BPH-20070911ABG. Any construction undertaken pursuant to this authority is entirely at SMI's own risk.

This authority expires on **February 10, 2012**.

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.

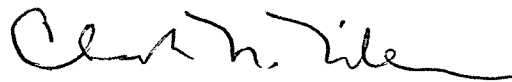
Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. 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 black ink, appearing to read "Charles N. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Sunburst Media, Inc.