

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

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November 16, 2011

Dawn M. Sciarrino, Esq.  
Sciarrino & Shubert, PLLC  
5425 Tree Line Drive  
Centreville, VA 20120

Re: KVJY (AM), Pharr, Texas  
Facility Identification Number: 64629  
BMP RGV License Company, LP  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed November 15, 2011, on behalf of BMP RGV License Company, LP ("BMP"). BMP requests special temporary authority ("STA") to operate Station KVJY during daytime hours with temporary facilities.<sup>1</sup>

In support of the request, BMP states that one of the station's daytime towers is in need of repairs.

Our review indicates that the proposed operation will not result in any significant increase in interference to other stations.

Accordingly, the request for STA IS HEREBY GRANTED. Station KVJY may operate during daytime hours with the licensed nighttime directional pattern and power, as necessary to facilitate tower maintenance on the daytime antenna system. It will be necessary to further reduce power or cease operation if complaints of interference are received. BMP must notify the Commission when licensed operation is restored.<sup>2</sup> BMP 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 16, 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

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<sup>1</sup> KVJY is licensed for operation on 840 kHz with 5 kilowatts daytime and 1 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

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

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 blue ink, appearing to read "Charles N. Miller", with a stylized flourish at the end.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: BMP RGV License Company, LP