

FEDERAL COMMUNICATIONS COMMISSION
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August 20, 2012

John W. Zucker, Esq.
ABC, Inc.
77 West 66th Street, 16th Floor
New York, NY 10023

Re: KMIC(AM), Houston, Texas
Facility Identification Number: 20491
Radio Disney Group, LLC
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed August 14, 2012, on behalf of Radio Disney Group, LLC ("RDG"). RDG requests special temporary authority ("STA") to operate Station KMIC during nighttime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.¹ In support of the request, RDG states that the station's nighttime directional antenna system has gone out of tolerance due to an as-yet unknown cause.

Accordingly, the request for STA IS HEREBY GRANTED. Station KMIC may operate during nighttime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. It will be necessary to further reduce power or cease operation if complaints of interference are received. RDG must notify the Commission when licensed operation is restored.² RDG 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 **February 20, 2013**.

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

¹ KMIC is licensed for operation on 1590 kHz with 5 kilowatts daytime and 5 kilowatts nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

² *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b)

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".

Charles N. Miller, Engineer
Audio Division
Media Bureau