

FEDERAL COMMUNICATIONS COMMISSION
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December 13, 2012

Shelley Sadowsky, Esq.
Sciarrino & Shubert, PLLC
5938 Dorchester Way
Rockville, Maryland 20852

Re: KXEN(AM), St. Louis, Missouri
Facility Identification Number: 54739
BDJ Radio Enterprises, LLC
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed December 4, 2012, on behalf of BDJ Radio Enterprises, LLC ("BRE"). BRE requests special temporary authority ("STA") to operate Station KXEN with temporary facilities.¹ In support of the request, BRE states the parcel of land on which the KXEN licensed transmitting facilities are located, are under contract for sale to a buyer that plans to develop the property for commercial purposes other than broadcast facilities. Per the terms of the contract, BRE will be given a 60 day notice to terminate the operation of KXEN at the licensed site, and such notice may be given at any time. Therefore, BRE requests STA to operate Station KXEN from the KDNL site located 18.4 kilometers southwest of the KXEN licensed site, employing a temporary wire antenna and reduced power.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing criteria. Our review further indicates that the proposed operation complies with the technical provisions of Section 73.1680, which governs emergency antenna operation, and Section 73.1615, which governs operation during modification of facilities.

¹¹ KXEN is licensed for operation on 1010 kHz with 50 kilowatts daytime and 0.5 kilowatts nighttime, employing different directional antenna patterns during daytime and nighttime hours (DA-2-U).

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

Accordingly, the request for STA IS HEREBY GRANTED. Station KXEN may operate with the following facilities:

Geographic coordinates:	38° 38' 09" N, 90° 11' 45" W (NAD 1927)
Frequency:	1010 kHz
Operating hours:	Unlimited
Operating power:	0.35 kW daytime, 0.125 kW nighttime
Antenna:	74.2 meter vertical wire supported on face of a self supporting tower located at the studios of KDNL TV
Radiator height:	90°
ASRN:	1003524

It will be necessary to further reduce power or cease operation if complaints of interference are received. It is anticipated that an application for construction permit will be filed prior to the expiration date below. BRE 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 **June 13, 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 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,


Jerome J. Manarchuck
Audio Division
Media Bureau

cc: BDJ Radio Enterprises, LLC