

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: Jerome Manarchuck
TELEPHONE: (202) 418-7226
FACSIMILE: (202) 418-1410
E-MAIL: Jerome.Manarchuck@fcc.gov

May 1, 2013

Russell C. Powell, Esq.
Taylor & Powell, PLLC
888 Sixteenth Street NW, Suite 800
Washington, DC 20006

Re: Tallgrass Broadcasting, LLC
KMUL(AM), Farwell, Texas
Facility Identification Number: 61572
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed April 25, 2013, on behalf of Tallgrass Broadcasting, LLC. ("TGB"). TGB requests special temporary authority ("STA") to operate station KMUL(AM) with reduced power.¹ In support of the request, TGB states that KMUL(AM) has been dark for nearly 12 months and operation is being restored in anticipation of assigning the authorization for the station from the court-appointed receiver to an experienced broadcaster. TGB also indicates that it must resume operation no later than May 2, 2013 in order to preserve the station's license. Specifically, KMUL(AM) is proposing to reduce its daytime non-directional power to 10 watts and operate during nighttime hours with its licensed power of 10 watts.

Section 73.1560(d), which governs reduced power operation, states:

In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (see Section 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.

We conclude that an STA for temporary reduced power operation is warranted, and the STA IS GRANTED. We expect that TGB, or its successors, shall continue the temporary operation authorized herein without interruption, through the term of this STA period or until the licensee restores licensed operation. Extension requests for this STA may be granted by the staff if circumstances warrant. However, TGB or its successors will need to show that substantial progress has been made during the most recent STA period.

¹ KMUL(AM) is licensed for operation on 830 kHz with a daytime power of 1.1 kilowatts, and a nighttime power of 0.01 kilowatt, employing non-directional antennas (ND-2-U).

It will be necessary to further reduce power or cease operation if complaints of interference are received. TGB must notify the Commission when licensed operation is restored.² TGB 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 **October 28, 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: Tallgrass Broadcasting, LLC

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