

FEDERAL COMMUNICATIONS COMMISSION
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May 9, 2013

John Neely, Esq.
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Suite 203
3750 University Blvd., West
Kensington, MD 20895

Re: KBRT(AM), Costa Mesa, California
Facility Identification Number: 34588
Kiertron, Inc.
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed April 30, 2013, on behalf of Kiertron, Inc. ("Kiertron"). Kiertron requests special temporary authority ("STA") pursuant to Section 73.1635 of the Commission's Rules for station KBRT(AM) to operate at variance from its authorized technical parameters.¹

In support of the request, Kiertron states that on April 30, 2013 the new tower site experienced an equipment failure with an unknown cause. Station engineers are traveling to the site to evaluate the transmission plant. Therefore, in the interim KBRT(AM) proposes to operate from the site used by the station immediately prior to commencing program test operations at the current licensed site. Specifically, KBRT(AM) requests STA to operate with a daytime power of 0.5 kilowatt, employing its former three tower directional array (BZ-20021016BP). Kiertron requests to go dark during nighttime hours.

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.

¹ KBRT(AM) is licensed for operation on 740 kHz with 50 kilowatts daytime and 0.19 kilowatt nighttime, employing different directional antenna patterns for daytime and nighttime operation (DA2-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 KBRT(AM) may operate with the following facilities:

Geographic coordinates	33° 21' 36" N, 118° 22' 18" W (NAD 1927)
Frequency	740 KHz
Hours of operation	Daytime
Operating power	0.5 kilowatt
Antenna type	3 tower array authorized in BZ-20021016ABP
Radiator electrical height	All 3 towers are 75.8° (85.3 meters)
Antenna efficiency	214.48 mV/m/km
Overall height	86.9 meters (ASR #'s 1012843,1012844,1012845)

It will be necessary to further reduce power or cease operation if complaints of interference are received. Kiertron must notify the Commission when licensed operation is restored.⁴ Kiertron 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 **November 5, 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;

⁴ *See* 47 CFR §§ 73.45(c), 73.51, 73.61(b).

- 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: Kiertron, Inc.