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May 7, 2013

Marnie K. Sarver, Esq.
Wiley Rein LLP
1776 K Street
Washington, DC 20006

Re: KHJ(AM), Los Angeles, CA
Facility Identification Number: 37224
LBI Radio License LLC
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed May 3, 2013, on behalf of LBI Radio License LLC ("LRL"). LRL requests special temporary authority ("STA") to operate station KHJ(AM) from its authorized construction permit (CP) site with its authorized daytime and nighttime facilities (BP-20120504AAAF).¹

On February 7, 2013, station KHJ(AM) was granted an STA to operate with its authorized daytime facilities, and to operate non-directionally during nighttime hours with reduced power until operation of the new nighttime directional antenna was established. LRL states that construction of the nighttime directional array is now complete and applicant respectfully requests an STA to operate at night with the authorized directional pattern and the authorized power, pending completion of a proof of performance and submission of a license application.

Accordingly, the request for STA IS HEREBY GRANTED. Station KHJ(AM) may operate from its authorized CP site with authorized daytime and nighttime facilities, pending completion of a proof of performance and submission of the covering license application.

It will be necessary to further reduce power or cease operation if complaints of interference are received. LRL 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 **August 5, 2013**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-

¹ KHJ(AM) is licensed for operation on 930 kHz with 5 kilowatts of non-directional daytime power and 5 kilowatts of directional nighttime power (DAN-U).

218 (released May 17, 1996). *See also Public Notice*, Expedited Processing of Applications Filed by Silent Stations, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

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: LBI Radio License LLC