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October 18, 2013

Mark A. Balkin, Esq.
Hardy, Carey, Chautin & Balkin, LLP
1080 West Causeway Approach
Mandeville, Louisiana 70471

Re: Major Market Stations, Inc.
KWRM (AM), Corona, California
Facility Identification Number: 39692
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed September 30, 2013, on behalf of Major Market Stations, Inc. ("MMS"). MMS requests special temporary authority ("STA") to operate Station KWRM(AM) with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, MMS states that one of the station's daytime towers collapsed during a storm on January 19, 2010. At that time, MMS requested and was granted an STA to operate non-directionally during daytime hours with a reduced power of 1250 watts. MMS subsequently received three STA extensions and eventually completed the repairs needed to bring the station back to authorized operating parameters, and all that was left was a partial proof of performance. However, prior to completion of the partial proof, one of the KWRM(AM) antennas was struck by lightning and wind tore two doors off of the ATU cabinets. MMS was able to fix the damage by November of 2011, however KWRM(AM)'s engineer was not able to complete the partial proof through all of 2012 due to personal factors unrelated to the station. Since MMS's last STA extension has expired, MMS is seeking a new STA for operation during daytime hours with an emergency nondirectional antenna and reduced power of 1.25 kilowatts so that proof of performance testing can be completed. There is no proposed change to the nighttime operation.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

¹ KWRM(AM) is licensed for operation on 1370 kHz with 5 kilowatts daytime and 2.5 kilowatts nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

Our review indicates that the request complies with Section 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED. Station KWRM(AM) may operate during daytime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Operation during daytime hours with an emergency nondirectional antenna and reduced power not to exceed 1.25 kW also is authorized, only as necessary to facilitate restoration of licensed operation. It will be necessary to further reduce power or cease operation if complaints of interference are received. MMS must notify the Commission when licensed operation is restored.² MMS 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 **April 16, 2014**.

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.

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

It is noted that in order to receive further extensions MMS will have to show that substantial progress has been made in the past six months.

Sincerely,



Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Major Market Stations, Inc.