

**FEDERAL COMMUNICATIONS COMMISSION**  
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November 20, 2013

John S. Neely, Esq.  
Miller and Neely, P.C.  
Suite 203  
3750 University Blvd., West  
Kensington, MD 20895

Re: WKZO(AM), Kalamazoo, Michigan  
Facility Identification Number: 54485  
Midwest Communications, Inc.  
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed November 18, 2013, on behalf of Midwest Communications, Inc. ("MCI"). MCI requests special temporary authority ("STA") to operate station WKZO(AM) with facilities that vary from its license.<sup>1</sup>

In support of the request, MCI states that the WKZO(AM) nighttime directional tower site was damaged by tornado or weather storm activity, including damage to the ground system and the total or near-total loss of at least one antenna in the array. Therefore, the station requests STA to operate non-directionally during nighttime hours with reduced power. Specifically, a nighttime non-directional operation is proposed from licensed tower #4 of WKZO(AM)'s directional array (ASRN 1005086) with 1.25 kilowatts, which is 25% of the station's licensed power.

Section 73.1680 of the Commission's rules provide for operation with emergency antenna facilities during construction/repair work that precludes directional operation, 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 license 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.

Accordingly, the request for STA IS HEREBY GRANTED. Station WKZO(AM) may operate non-directionally during nighttime hours with 25% of licensed power. It will be necessary to further reduce power or cease operation if complaints of interference are received. MCI must notify the Commission when licensed operation is restored.<sup>2</sup> MCI must use whatever means are

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<sup>1</sup> WKZO(AM) is licensed for operation on 590 kHz with a daytime power of 5 kilowatts and a nighttime power of 5 kilowatts, employing a directional antenna pattern at night (DAN-U).

<sup>2</sup> See 47 CFR §§ 73.45(c), 73.51, 73.61(b).

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 **May 18, 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.

Sincerely,



Jerome J. Manarchuck  
Audio Division  
Media Bureau

cc: Midwest Communications, Inc.