

**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/](http://www.fcc.gov/mb/audio/)

**ENGINEER:** CHARLES N. (NORM) MILLER  
**TELEPHONE:** (202) 418-2767  
**FACSIMILE:** (202) 418-1410  
**E-MAIL:** [charles.miller@fcc.gov](mailto:charles.miller@fcc.gov)

June 12, 2007

Jeffrey J. Gee, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17th Street, 11th Floor  
Arlington, Virginia 22209-3801

Re: KXMG (AM), Portland, Oregon  
Facility Identification Number: 71752  
Bustos Media of Oregon License, LLC  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed May 24, 2007, on behalf of Bustos Media of Oregon License, LLC ("BMO"). BMO requests special temporary authority ("STA") to operate Station KXMG with an emergency nondirectional antenna and reduced power pursuant to Section 73.1680.<sup>1</sup> In support of the request, BMO states that it previously requested and was granted STA for this operation due to continuing problems with its directional antenna, and that it is in the process of constructing modified facilities authorized by Construction Permit BP-20051114ABM. However, BMO states that work on the project had to be suspended in order to renegotiate the site lease. BMO states that it expects the new facilities will be completed by October, 2007.

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.

Our review indicates that the request complies with Section 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED. Station KXMG may continue to operate with an emergency nondirectional antenna and reduced power not to exceed 1.25 kilowatts daytime and 0.011 kilowatt nighttime. It will be necessary to further reduce power or cease operation if complaints of interference are received. BMO must notify the Commission

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<sup>1</sup> KXMG is licensed for operation on 1150 kHz with 5 kilowatts daytime and 0.047 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U). Construction Permit BP-20051114ABM authorizes an increase in operating power to 10 kilowatts daytime and 0.063 kilowatt nighttime, and changes to the daytime and nighttime directional patterns.

when licensed operation is restored.<sup>2</sup> BMO 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 **December 12, 2007**.


**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,

A handwritten signature in dark ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Bustos Media of Oregon License, LLC

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<sup>2</sup> *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).