

**FEDERAL COMMUNICATIONS COMMISSION
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March 20, 2017

Pham Radio Communication LLC
1738 44th Ave.
San Francisco, CA 94122

Re: Pham Radio Communication LLC
KVVN(AM), Santa Clara, California
Facility Identification Number: 28438
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed March 17, 2017, on behalf of Pham Radio Communication LLC ("PRC"). PRC requests special temporary authority ("STA") to operate station KVVN(AM) non-directionally during daytime and nighttime hours with reduced power facilities.¹ In support of the request, PRC states that due to recent flooding of the Coyote Creek area of San Jose, California, the KVVN(AM) transmission system has been severely damaged. Therefore, KVVN(AM) requests an STA to operate non-directionally during daytime and nighttime hours from tower #1 of the station's directional array (ASR: 1053920). It is proposed to operate with a daytime power of 0.25 kilowatt and a nighttime power of 0.625 kilowatt.

Section 73.1680 of the Commission's rules provide 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) states that AM stations may use a horizontal or vertical wire or a non-directional vertical element of a directional antenna as an emergency antenna. AM stations using an emergency non-directional antenna or a horizontal or vertical wire pursuant to this section, in lieu of authorized directional facilities, shall operate with power reduced to 25% 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 for the corresponding hours of directional operation.

Accordingly, the request for STA IS HEREBY GRANTED. Station KVVN(AM) may operate

¹ KVVN(AM) is licensed for operation on 1430 kHz with a daytime power of 1 kilowatt and a nighttime power of 2.5 kilowatts, employing different directional antenna patterns (DA2-U).

non-directionally during daytime and nighttime hours with power levels reduced to 25% of licensed power. Specifically, KVVN(AM) may operate daytime with a reduced power of 0.25 kilowatt and at night with a reduced power of 0.625 kilowatt. It will be necessary to further reduce or cease operation if complaints of interference are received. PRC 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 **September 16, 2017**.


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: David A. O'Connor, Esq. (via email only)