

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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August 17, 2017

BDJ Radio Enterprises, LLC
12 Rolling Rock Lane
St. Louis, MO 63124-1443

Re: BDJ Radio Enterprises, LLC
KXEN(AM), St. Louis, MO
Facility Identification Number: 54739
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed August 10, 2017, on behalf of BDJ Radio Enterprises, LLC ("BDJ"). BDJ requests special temporary authority ("STA") to operate station KXEN(AM) with reduced power.¹ For the reason discussed below, the request is denied.

In support of the request, BDJ states that STA is requested to operate the station with reduced power of 10 kilowatts during daytime hours in order to determine whether the potential benefits of reducing KXEN(AM)'s utility costs will outweigh the potential loss of listenership.

Our review indicates that the requested STA operation does not comply with the Commission's rules. Section 73.1560(d), which governs reduced power operation, states:

In the event *it becomes technically impossible* to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (see Section 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary. (emphasis added)

Our review indicates that the request fails to comply with Section 73.1560(d). Nothing in the


¹ KXEN(AM) is licensed for operation on 1010 kHz with a daytime power of 50 kilowatts and a nighttime power of 0.5 kilowatt, employing different directional antenna patterns..

request suggests that there is any technical impediment to operation with full, licensed facilities; rather, STA is requested for purely economic reasons.

Furthermore, 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, the request for STA IS HEREBY DENIED. This action is taken pursuant to 47 CFR Section 0.283. The action taken herein does not preclude BDJ from filing a minor change application for construction permit to reduce its operating power in conformance with the Commission's rules; in particular, provided that the required level of service is maintained to the community of license. However, if such a course of action is taken, there is no guarantee that the presently licensed facilities could ever subsequently be restored.

Sincerely,


Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Shelley Sadowsky, Esq. (via email only)