

FEDERAL COMMUNICATIONS COMMISSION
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August 25, 2006

Matthew H. McCormick, Esq.
Irwin, Campbell & Tannenwald, P.C.
1730 Rhode Island Avenue NW, Suite 200
Washington, DC 20036

Re: KAGY(AM), Port Sulphur, Louisiana
Facility Identification Number: 43127
Spotlight Broadcasting of New Orleans, LLC
Special Temporary Authorization

Dear Counsel:

This is in reference to your letter dated August 23, 2006, filed on behalf of Spotlight Broadcasting of New Orleans, LLC ("SBNO"). SBNO requests special temporary authority ("STA") to operate Station KAGY with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, SBNO states that the KAGY tower was wiped out by Hurricane Katrina on August 29, 2005, and that the station has been off the air since that time. SBNO seeks STA to operate from its licensed site with a temporary wire antenna and reduced power.

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.

Accordingly, the request for STA IS HEREBY GRANTED. Station KAGY may operate with emergency antenna facilities as described above. It will be necessary to further reduce power or cease operation if complaints of interference are received. SBNO must notify the Commission when licensed operation is restored.² SBNO 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 **February 25, 2007**.

¹ KAGY is licensed for operation on 1510 kHz with 1 kilowatt, daytime hours only, employing a nondirectional antenna. (ND-D-D).

² *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b)

Notwithstanding the grant of this STA or the expiration date specified herein, **the station's license will expire as a matter of law if it does not resume broadcasting on or before August 29, 2006.** See Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). See also *Public Notice, Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

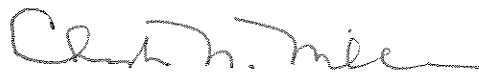
STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice 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,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Spotlight Broadcasting of New Orleans, LLC