

FEDERAL COMMUNICATIONS COMMISSION
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February 6, 2019

Walton Stations New Mexico, Inc.
1096 Mechem Drive
Suite 230
Ruidoso, NM 88345

Re: Walton Stations New Mexico, Inc.
KBUY(AM), Ruidoso, NM
Facility Identification Number: 70826
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed January 29, 2019, on behalf of Walton Stations New Mexico, Inc. ("WSN"). WSN requests special temporary authority ("STA") to operate station KBUY(AM) with parameters at variance from its licensed facilities.¹ Specifically, WSN requests that station KBUY(AM) be permitted to operate both day and night utilizing the station's authorized nighttime parameters.

In support of the request, WSN states that excessive VSWR was observed due to the failure of the KBUY(AM) transmitter to tuning unit. Trouble shooting on January 8, 2019 revealed that additional problems exist which were not easily corrected with leased equipment. The licensee is in the process of correcting the issues and intends to return to full licensed parameters shortly. However, in the meantime, the station requests STA to continue to operate day and night utilizing the station's nighttime parameters.

Accordingly, the request for STA IS HEREBY GRANTED. Station KBUY(AM) may operate daytime and nighttime with the station's currently licensed nighttime parameters. It will be necessary to further reduce power or cease operation if complaints of interference are received. KBUY(AM) must notify the Commission when licensed operation is restored.² KBUY(AM) 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.

¹ KBUY(AM) is licensed for operation on 1360 kHz with a daytime power of 5 kilowatts and a nighttime power of 0.201 kilowatt, employing a non-directional antenna pattern (ND2-U).

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

This authority expires on **August 5, 2019**.

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: Richard J. Hayes, Jr., Esq. (via email only)