

**FEDERAL COMMUNICATIONS COMMISSION**  
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**WASHINGTON DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/media/radio/audio-division](http://www.fcc.gov/media/radio/audio-division)

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September 29, 2020

Pham Radio Communication LLC  
1738 44<sup>th</sup> Ave.  
San Francisco, CA 94122

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

Dear Applicant:

This is in reference to the request filed September 24, 2020, on behalf of Pham Radio Communication LLC ("PRC"). PRC requests special temporary authority ("STA") to operate station KVVN(AM) with parameters at variance from license values and/or reduced power.<sup>1</sup>

In support of the request, PRC states that the KVVN(AM) transmitter site is located in close proximity to Coyote Creek which has a substantial homeless population living along the creek bank. Persons from the homeless encampment have been routinely breaking into the KVVN(AM) ATU buildings and tapping into one side of the 220-volt AC power that is used to power RF contactors that switch between the day and night directional patterns. The process of breaking into the ATU buildings and connecting to the AC power has resulted in damage to the fencing surrounding the towers, the ATU buildings and the control circuitry. More importantly, the installation of wire between the ATU buildings and the homeless encampment has created a serious safety hazard. The wire is laid on the ground in dry grass and is spliced at one or more locations by twisting the ends of copper wires together. At the splice locations the bare energized wire is exposed, resulting in a potential shock or electrocution hazard and a significant fire hazard.

Given the extremely high fire potential in northern California at this time, PRC feels that it is imperative that AC power to the ATU buildings be deactivated. However, removal of AC power to the ATU buildings will also remove the ability for KVVN(AM) to switch between its daytime and nighttime patterns. Thus, KVVN(AM) requests STA to operate KVVN(AM) non-directionally

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<sup>1</sup> 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).

at 25% of its authorized daytime and nighttime power levels.

Specifically, KVVN(AM) proposes to operate from tower #1 (ASRN: 1053920) of its array. The daytime power will be reduced to 0.25 kilowatt and the nighttime power will be reduced to 0.625 kilowatt.

Accordingly, the request for STA IS HEREBY GRANTED. Station KVVN(AM) may operate non-directionally during daytime and nighttime hours with a reduced daytime power of 0.25 kilowatt and a reduced nighttime power of 0.625 kilowatt. It will be necessary to further reduce power or cease operation if complaints of interference are received. PRC must notify the Commission when licensed operation is restored.<sup>2</sup> 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 **March 28, 2021**.

**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

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

- 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 black ink that reads "Jerome J. Manarchuck". The signature is written in a cursive style with a large, sweeping flourish at the end.

Jerome J. Manarchuck  
Audio Division  
Media Bureau

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