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August 14, 2008

Richard J. Hayes, Jr., Esq.
Box 200
Lincolntonville, Maine 04849

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

Dear Counsel:

This is in reference to the request filed August 13, 2008, on behalf of Walton Stations New Mexico, Inc. ("Walton"). Walton requests special temporary authority ("STA") to operate Station KBUY with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, Walton states that the station's tower was accidentally destroyed by construction equipment working at the site. Walton states that it has restored operation with an emergency horizontal wire antenna, and requests STA for continued use of the emergency antenna.

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 may use a horizontal or vertical wire as an emergency antenna.

Our review indicates that the request complies with Section 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED. Station KBUY may continue to operate with an emergency wire antenna. Operating power shall not exceed 5 kilowatts daytime and 0.199 kilowatt nighttime. It will be necessary to further reduce power or cease operation if complaints of interference are received. Walton must notify the Commission when licensed operation is restored.² Walton 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 14, 2009**.

¹ KBUY is licensed for operation on 1360 kHz with 5 kW daytime and 0.199 kW nighttime, employing a nondirectional antenna (ND-2-U). Construction Permit BP-20070507AER corrects the geographic coordinates of the transmitter site and authorizes an increase in the daytime power to 9 kW, and a decrease in nighttime power to 0.189 kW.

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

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: Walton Stations New Mexico, Inc.