FEDERAL COMMUNICATIONS COMMISSION
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September 19, 2008

Marnie K. Sarver, Esq.
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

Re: Liberman Broadcasting of Houston License LLC
KSEV (AM), Tomball, Texas
Facility Identification Number: 9645
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed September 18, 2008, on behalf of Liberman Broadcasting of Houston License LLC ("LBH"). LBH requests special temporary authority ("STA") to operate Station KSEV with emergency antenna facilities pursuant to Section 73.1680.[1] In support of the request, LBH states that the station lost commercial power due to Hurricane Ike and that the station's generator is not powerful enough to drive the daytime transmitter. LBH requests STA for operation during daytime hours with the licensed nighttime power and pattern.[2]

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.

Our review indicates that the request complies with Section 73.1680, and that no interference to other stations is likely to occur.

Accordingly, the request for STA IS HEREBY GRANTED. Station KSEV may continue to 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. LBH must notify the Commission when licensed operation is restored.[3] LBH must use whatever means are necessary

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[1] KSEV is licensed for operation on 700 kHz with 15 kilowatts daytime and 1 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

[2] Although the request states that it is for use of the licensed antenna system with reduced power, operation with the nighttime antenna system during daytime hours is not reduced power operation per Section 73.1560; rather, it is emergency antenna operation pursuant to Section 73.1680.

[3] *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

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 **December 19, 2008**.

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: Liberman Broadcasting of Houston License LLC