FEDERAL COMMUNICATIONS COMMISSION
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January 28, 2009

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

Re: KGNC(AM), Amarillo, Texas
Facility Identification Number : 63159
MCC Radio, LLC
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed January 26, 2009, on behalf of MCC Radio, LLC ("MCC"). MCC requests special temporary authority (STA) for operation of Station KGNC during nighttime hours with the licensed daytime directional antenna pattern and reduced power.[1]

In support of the request, MCC states that one of the towers in its nighttime array is structurally unsound and must be replaced.

Our review indicates that the proposed STA operation complies with the technical provisions of Section 73.1615, which governs operation during modification of facilities.

Accordingly, the request for STA IS HEREBY GRANTED. Station KGNC may operate during nighttime hours with the licensed daytime directional antenna and reduced power not to exceed 0.55 kilowatt. It will be necessary to further reduce power or cease operation if complaints of interference are received. MCC must notify the Commission when licensed operation is restored.[2] MCC 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 **July 28, 2009.**

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

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[1] KGNC is licensed for operation on 710 kHz with 10 kilowatts, unlimited hours, employing different directional antenna patterns during daytime and nighttime hours (DA-2-U).

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

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: MCC Radio, LLC