# FEDERAL COMMUNICATIONS COMMISSION
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July 30, 2010

Francisco R. Montero, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209-3801

Re: KGLA (AM), Gretna, Louisiana
Facility Identification Number: 14538
Crocodile Broadcasting Corp.
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed July 29, 2010, on behalf of Crocodile Broadcasting Corp. ("CBC"). CBC requests special temporary authority ("STA") to operate Station KGLA[1] with an emergency wire antenna. In support of the request, CBC states that repairs are being done on the station's licensed antenna system. CBC requests STA for operation with 0.96 kW daytime and 0.012 kW nighttime. As discussed below, the request for daytime STA is granted, but the request for nighttime operaton is denied.

Our review indicates that the proposed daytime operation complies with the technical provisions of Section 73.1615, which governs operation during modification of facilities, and Section 73.1680, which governs operation with emergency antennas. However, Section 73.1635(c) prohibits the grant of STA to extend the hours of operation of an AM station beyond currently licensed hours, absent emergency conditions not present here. Because Station KGLA is licensed for daytime-only operation,[2] STA cannot be granted for nightime operation.

Accordingly, the request for STA for operation during daytime hours with an emergency wire antenna IS HEREBY GRANTED. The request for operation during nightime hours IS DENIED. Station KGLA may operate during daytime hours with an emergency wire antenna as necessary

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[1] KGLA is licensed for operation on 1540 kHz, daytime hours only, with 1 kW, employing a nondirectional antenna.

[2] The Commission's files indicate that, on November 9, 1987, an Order to Show Cause ("OTSC") was issued to Station KGLA in MM Docket No. 87-131 for nighttime operation with 12 watts. However, on August 5, 1988, subsequent to issue of the OTSC, KGLA filed Application BP-19880805AE, for construction permit to modify its antenna system and increase daytime operating power. The construction permit was granted on February 21, 1989, and was subsequently covered by License Application BL-19890911AH, which was granted on May 6, 1992. Neither the construction permit application nor the license application specified nighttime operation. Because the OTSC was rendered invalid by subsequent modification of the antenna system for which it was issued, and because Station KGLA did not propose nighttime operation in its 1988 application for construction permit, Station KGLA currently is licensed for daytime-only operation. In order to obtain nighttime operating authority, it will be necessary to file a minor-change application for construction permit, consistent with the Commission's technical rules.

to facilitate repair work on its licensed antenna system. CBC must notify the Commission when licensed operation is restored.[4] CBC 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 **January 30, 2011**.

**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: Crocodile Broadcasting Corp.

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

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