FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

June 13, 2008

Lee W. Shubert, Esq.
Sciarrino & Shubert, PLLC
5425 Tree Line Drive
Centreville, VA 20120

Re: Sellers Broadcasting, Inc.-KMRY Radio
KMRY (AM), Cedar Rapids, Iowa
Facility Identification Number: 17697
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed June 11, 2008, on behalf of Sellers Broadcasting, Inc.-KMRY Radio ("SBI"). SBI requests special temporary authority ("STA") to operate Station KMRY with emergency antenna facilities, pursuant to Section 73.1680.[1] In support of the request, SBI states that the transmitter site is flooded and that it has restored operation with an emergency wire antenna located at the studio building. SBI 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 proposed STA operation complies with Section 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED. Station KMRY may continue to operate with the following facilities:

Geographic coordinates	42° 02′ 05″ N, 91° 40′ 00″ W (NAD 1927)
Frequency	1450 KHz
Hours of operation	Unlimited
Operating power	not to exceed 1 kilowatt
Antenna type	Long wire
Antenna efficiency	241 mV/m/km/kW

It will be necessary to further reduce power or cease operation if complaints of interference are received. SBI must notify the Commission when licensed operation is restored.[2] SBI must use

[1] KMRY is licensed for operation on 1450 kHz with 1 kilowatt daytime and 1 kilowatt nighttime, employing a nondirectional antenna (ND-1-U).

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

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 **September 13, 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: Sellers Broadcasting, Inc.-KMRY Radio