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September 16, 2011

John C. Trent, Esq.
Putbrese Hunsaker & Trent, P.C.
200 South Church Street
Woodstock, Virginia 22664

Re: KMJ(AM), Fresno, California
Facility Identification Number: 26923
Peak Broadcasting of Fresno Licenses, LLC
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed September 7, 2011, on behalf of Peak Broadcasting of Fresno Licenses, LLC ("PBF"). PBF requests special temporary authority ("STA") to operate Station KMJ from its licensed auxiliary site, but with greater power than that specified on the auxiliary license.[1]

In support of the request, PBF states that it has become necessary to replace the base insulator on one of the station's towers. PBF states that it is not practical to operate the transmitter from the licensed main site during the repair work due to the need to install a jack which will effectively short out the tower and due to radio frequency radiation exposure concerns. PBF states that the station's nondirectional auxiliary antenna, located 16 miles west of Fresno and currently licensed for auxiliary operation with 500 watts, was licensed as the KMJ main antenna from 1941 until 2002 for operation with 5 kilowatts. PBF requests STA for operation with its formerly licensed facilities in order to maintain service to the public during the guy wire insulator replacement work. PBF further notes that a similar STA request was granted in June, 2007.

Our review indicates that the proposed STA operation would result in some extension of the 0.5 mV/m contour beyond the licensed contour; however, the extension would be less than that which would result from operation from the licensed site with a temporary nondirectional antenna and 12.5 kilowatts, as specified in Sections 73.1615 and 73.1680 of the Rules. We note that operation from the licensed site during the base insulator replacement is not practical due to the issues raised by PBF, and we further note that extended operation of the auxiliary antenna with its licensed power of 500 watts would result in a drastic loss of service compared to the licensed KMJ operation with 50 kilowatts. Thus, we find that the public interest would be served by grant of the requested STA.

Accordingly, the request for STA IS HEREBY GRANTED. Station KMJ may operate from its licensed auxiliary site with increased power not to exceed 5 kilowatts, as necessary to facilitate base insulator replacement at its main site. It will be necessary to reduce power or cease

[1] KMJ is licensed for operation on 580 kHz with 50 kilowatts, unlimited hours, employing the same directional antenna pattern during daytime and nighttime hours. (DA-1-U).

operation if complaints of interference are received. PBF must notify the Commission when licensed operation is restored.[2] PBF 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 **December 16, 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: Peak Broadcasting of Fresno Licenses, LLC

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