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October 25, 2010

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

Re: Carlos A. Duharte
KZSF (AM), San Jose, California
Facility Identification Number: 68841
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed October 21, 2010, on behalf of Carlos A. Duharte ("Duharte"). Duharte requests special temporary authority ("STA") to operate Station KZSF with emergency antenna facilities pursuant to Section 73.1680.[1] In support of the request, Duharte states that, on October 9, 2010, the KZSF transmitter building was destroyed by fire. Duharte requests STA for operation with an emergency nondirectional antenna and reduced power.

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.

Accordingly, the request for STA IS HEREBY GRANTED. Station KZSF may operate with an emergency nondirectional antenna and reduced power not to exceed 1.25 kilowatts. It will be necessary to further reduce power or cease operation if complaints of interference are received. Duharte must notify the Commission when licensed operation is restored.[2] Duharte 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.

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[1] KZSF is licensed for operation on 1370 kHz with 5 kilowatts, unlimited hours, employing the same directional antenna pattern daytime and nighttime (DA-1-U).

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

This authority expires on **April 25, 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: Carlos A. Duharte