

FEDERAL COMMUNICATIONS COMMISSION
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September 23, 2008

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

Re: WHKW(AM), Cleveland, Ohio
Facility Identification Number: 14772
Caron Broadcasting, Inc.
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed September 22, 2008, on behalf of Caron Broadcasting, Inc. ("CBI"). CBI requests special temporary authority ("STA") to operate Station WHKW with parameters at variance and/or reduced power while maintaining monitor points within licensed limits and with a temporary nondirectional antenna and reduced power.¹ In support of the request, CBI states that the station is operating with reduced power due to component failures and that a complete rebuild and refurbishment of the station's phasing and coupling equipment is planned.

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 WHKW may operate with parameters at variance from licensed values and/or reduced power while maintaining monitor points within licensed limits. Operation with a temporary nondirectional antenna and reduced power not to exceed 12.5 kilowatts also is authorized, only as necessary to facilitate the repair work. It will be necessary to further reduce power or cease operation if complaints of interference are received. CBI 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 **March 23, 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

¹ WHKW is licensed for operation on 1220 kHz with 50 kilowatts, unlimited hours, employing the same directional antenna pattern during daytime and nighttime hours. (DA-1-U).

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: Caron Broadcasting, Inc.