



Federal Communications Commission
Washington, D.C. 20554

July 27, 2022

Southern Torch, Inc.
P.O. Box 614
Rainsville, AL 35986

Re: Southern Torch, Inc.
WFPA(AM), Fort Payne, AL
Fac. ID No.: 33782
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed July 27, 2022, on behalf of Southern Torch, Inc. ("STI"). STI requests special temporary authority ("STA") to operate station WFPA(AM) with reduced power and a long-wire antenna from an alternate site location.¹ STI states that at the time it purchased WFPA(AM), the station was operating pursuant to BSTA-20201023AAL because it had been forced to cease broadcasting from its licensed location. STI further states that it turned off the station's temporary facilities on July 28, 2021. This was done to conserve financial resources during negotiations to purchase the tower site that the prior owner of the station leased. However, the station must now commence broadcast operations before 12:01 a.m., July 29, 2022 or its license will expire as a matter of law. Thus, the station is requesting operation with the same STA facilities previously granted in BSTA-20201023AAL.

Specifically, WFPA(AM) requests STA to operate from an alternate site located 1.8 kilometers from the licensed site. The station proposes to employ a 167-foot long-wire antenna supported 30 feet above ground level. Operation is proposed at a reduced power of 0.2 kilowatt.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area² without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

Our review indicates that the proposed STA operation complies with the foregoing criteria.

Accordingly, the request for STA is GRANTED. Station WFPA(AM) may operate with the following facilities:

¹ WFPA(AM) is licensed for operation on 1400 kHz with an unlimited hours power of 1 kilowatt, employing a non-directional antenna pattern (ND1-U).

² For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

Geographic coordinates	34° 26' 32" N, 85° 43' 17" W (NAD 1927)
Frequency	1400 kHz
Hours of operation	Unlimited
Operating power	0.2 kW
Antenna type	167-foot long-wire antenna supported 30 feet above ground level

It will be necessary to further reduce power or cease operation if complaints of interference are received. WFPA(AM) must notify the Commission when licensed operation is restored. WFPA(AM) 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 23, 2023**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law if broadcast operations do not commence by 12:01 a.m., July 29, 2022. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1)(1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also Public Notice, Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

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,

A handwritten signature in black ink that reads "Jerome J. Manarchuck". The signature is written in a cursive style with a large, stylized initial "J" and a long, sweeping tail.

Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Stephen T. Lovelady, Esq. (via email only)