



Federal Communications Commission  
Washington, D.C. 20554

September 8, 2022

Smile FM  
172 N Cedar St.  
Imlay City, MI 48444

Re: Smile FM  
WGVS(AM), Muskegon, MI  
Fac. ID No.: 33695  
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed August 23, 2022, on behalf of Smile FM ("Smile"). Smile requests special temporary authority ("STA") to operate station WGVS(AM) from an alternate location with a different antenna system.<sup>1</sup> In support of the request, Smile states that the WGVS(AM) licensed towers were recently dismantled and were in poor condition due to their age. In addition, the property where the towers were located is no longer available to Smile and thus WGVS(AM) has been silent since January 7, 2022. Therefore, the station is requesting an STA so that the station can commence broadcast operations before 12:01 a.m., January 8, 2023 to avoid expiration of its license.

Specifically, WGVS(AM) requests STA to operate from an alternate site located 13.5 miles (21.7 kilometers) from the licensed site. The station proposes to employ a 90-foot grounded steel tower with two top loading wires. Each top loading wire will have an approximate length of 150 feet. Daytime and nighttime operation is proposed at a reduced power of 0.25 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 area<sup>2</sup> 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 WGVS(AM) may operate with the following facilities:

Geographic coordinates      43° 18' 29" N, 86° 23' 04" W (NAD 1927)

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<sup>1</sup> WGVS(AM) is licensed for operation on 850 kHz with an unlimited hours power of 1 kilowatt, employing a directional antenna pattern (DA1-U).

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

|                    |   |
|--------------------|---|
| Frequency          | 850 kHz   |
| Hours of operation | Unlimited   |
| Operating power    | 0.25 kW   |
| Antenna type       | 90-foot grounded steel tower with top-loading. The tower is top-loaded with two wires, each 150 feet in length. |

It will be necessary to further reduce power or cease operation if complaints of interference are received. WGVS(AM) must notify the Commission when licensed operation is restored. WGVS(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 **March 7, 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., January 8, 2023. *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 dark ink, reading "Jerome J. Manarchuck". The signature is fluid and cursive, with the first name "Jerome" and last name "Manarchuck" clearly legible.

Jerome J. Manarchuck  
Audio Division  
Media Bureau

cc: Edward Czelada (via email only)