

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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December 2, 2008

Kenneth E. Satten, Esq.
Wilkinson Barker Knauer LLP
2300 N Street NW, Suite 700
Washington, DC 20037-1128

Re: West Virginia Educational Broadcasting Authority
WVPM(FM), Morgantown, West Virginia
Facility Identification Number: 70645
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed November 21, 2008, on behalf of West Virginia Educational Broadcasting Authority ("WVEBA"). WVEBA requests special temporary authority ("STA") to operate Station WVPM with temporary facilities.¹ In support of the request, WVEBA states that the licensed antenna has become faulty and must be repaired. WVEBA requests STA for operation from the licensed site with a temporary antenna during the course of the antenna repair work. Our review of the request indicates that no interference to any other station is likely to occur.

Accordingly, the request for STA IS HEREBY GRANTED. Station WVPM may operate with the following facilities:

Geographic coordinates:	39° 41' 45" N, 79° 45' 45" W (NAD 1927)
Channel	215 (90.9 MHz)
Effective radiated power:	1.26 kilowatts (H&V)
Antenna height:	
above ground:	117 meters
above mean sea level:	908 meters
Above average terrain:	429 meters

WVEBA must notify the Commission when licensed operation is restored. WVEBA 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 **June 2, 2009**.

¹ WVPM is licensed for operation on Channel 215B (90.9 MHz) with effective radiated power of 5 kilowatts (H&V) and antenna height above average terrain of 439 meters.

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, appearing to read "Charles N. Miller", with a stylized flourish at the end.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: West Virginia Educational Broadcasting Authority