

**FEDERAL COMMUNICATIONS COMMISSION  
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January 15, 2009

John C. Trent, Esq.  
Putbrey Hunsaker & Trent, P.C.  
200 South Church Street  
Woodstock, Virginia 22664

**Re:** WXTC(AM), Charleston, South Carolina  
Facility Identification Number: 60038  
Apex Broadcasting, Inc.  
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed January 13, 2009, on behalf of Apex Broadcasting, Inc. ("Apex"). Apex requests special temporary authority ("STA") to operate Station WXTC with a temporary nondirectional antenna and reduced power.<sup>1</sup> In support of the request, Apex states that it plans to replace the station's towers and make repairs to the antenna system.

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 WXTC may operate with a temporary nondirectional antenna, with reduced power not to exceed 5 kilowatts daytime and 1.25 kilowatts nighttime, only as necessary to facilitate the tower replacement and repair work. Operation also is authorized with parameters at variance and/or reduced power while maintaining monitor points within licensed limits, in order to facilitate adjustment of the antenna system following the tower replacement. It will be necessary to further reduce power or cease operation if complaints of interference are received. Apex must notify the Commission when licensed operation is restored.<sup>2</sup> Apex 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 **April 15, 2009**.

**STA Advisory:** Section 309(f) of the Communications Act of 1934, as amended, authorizes the

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<sup>1</sup> WXTC is licensed for operation on 1390 kHz with 5 kilowatts daytime and 5 kilowatts nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

<sup>2</sup> *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

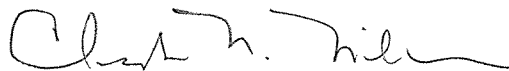
Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee 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: Apex Broadcasting, Inc.