

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
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March 2, 2009

Lauren A. Colby, Esq.  
Box 113  
Frederick, MD 21705-0113

Re: WBVA(AM), Bayside, Virginia  
Facility Identification Number: 84068  
Birach Broadcasting Corporation  
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed February 27, 2009, on behalf of Birach Broadcasting Corporation ("Birach"). Birach requests special temporary authority ("STA") to operate Station WBVA with reduced power from a site other than the licensed site.<sup>1</sup>

In support of the request, Birach states that Station WBVA has been silent since March 15, 2008, when the licensed tower was cut down by unknown persons. Birach states that the owner of the site is unwilling to allow the tower to be reconstructed. Birach requests STA in order to allow operation of the station until permanent facilities can be restored.

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<sup>2</sup> to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area<sup>3</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.

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

Geographic coordinates: 36° 51' 39" N, 76° 10' 32" W (NAD 1927)  
Frequency: 1450 kHz

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<sup>1</sup> WBVA is licensed for operation on 1450 kHz with 1 kilowatt, unlimited hours, employing a nondirectional antenna (ND-1-U).

<sup>2</sup> For AM - 5 mV/m contour.

<sup>3</sup> For AM - 0.5 mV/m contour.

Hours of operation:	Unlimited
Operating power:	Not to exceed 1 kW
Antenna type:	Temporary vertical radiator
Overall height:	12 meters

Simultaneous operation of Stations WVAB and WBVA from the temporary radiator shall not commence until sufficient diplexing equipment has been installed and properly adjusted to reduce all spurious emissions below the levels specified in 47 CFR Section 73.44(b). Within 10 days after commencement of such operation, Birach must submit the results of measurements which demonstrate compliance with the above condition. It will be necessary to further reduce power or cease operation if complaints of interference are received. Birach 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.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law if it does not resume broadcasting on or before March 15, 2009. *See* Pub. Law No. 104-104, 110 Stat. 56, § 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 Commission immediately upon resumption of broadcasting.**

This authority expires on **September 2, 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 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 blue ink, appearing to read "Charles N. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Birach Broadcasting Coporation