

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

May 18, 2009

Jared Thompson
Virginia Polytechnic Institute and State University
350 Squires Student Center
Blacksburg, Virginia 24061-0546

Re: WUVT-FM, Blacksburg, Virginia
Facility Identification Number: 70278
Virginia Polytechnic Institute and State University
Special Temporary Authorization

Dear Mr. Thompson:

This is in reference to the request filed May 15, 2009, on behalf of Virginia Polytechnic Institute and State University ("VPU"). VPU requests special temporary authority ("STA") to operate Station WUVT-FM with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, VPU states that, due to building renovations at the licensed transmitter site, Station WUVT-FM has been forced to vacate the site and has commenced transmitting from a temporary site at the station's studios. VPU states that it intends to operate with the temporary facilities pending implementation of modifications authorized by Construction Permit BPED-20070907ABR.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna.

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

| | |
|---------------------------|--|
| Geographic coordinates: | 37° 13' 46" N, 80° 25' 6" W (NAD 1927) |
| Channel | 214 (90.7 MHz) |
| Effective radiated power: | .025 kilowatt (H&V) |
| Antenna height: | |
| above ground: | 10 meters |
| above mean sea level: | 628 meters |
| Above average terrain: | 16 meters |

¹ WUVT-FM is licensed for operation on Channel 214A (90.7 MHz) with effective radiated power ("ERP") of 3 kilowatts (H&V) and antenna height above average terrain ("HAAT") of 46 meters. Construction Permit BPED-20070907ABR authorizes relocation of the transmitter, a class upgrade to Class C3, and operation with ERP of 6.5 kW (V only) and HAAT of 131 meters.

VPU must notify the Commission when licensed operation is restored. VPU 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 **November 18, 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,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Virginia Polytechnic Institute and State University