

FEDERAL COMMUNICATIONS COMMISSION
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August 5, 2009

Peter Gutmann, Esq.
Womble Carlyle Sandridge & Rice PLLC
1401 I Street NW, Seventh Floor
Washington, DC 20005

Re: JMK Communications, Inc.
WPWC (AM), Dumfries-Triangle, Virginia
Facility Identification Number: 25995
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed August 4, 2009, on behalf of JMK Communications, Inc. ("JMK"). JMK requests special temporary authority ("STA") to operate Station WPWC with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.¹ In support of the request, JMK states that Station WPWC has restored operation after damage to its antenna system by a storm, and that variance has been found in some of the operating parameters. JMK states that at least two weeks will be required to determine the full extent of the problem and retune the array.

Accordingly, the request for STA IS HEREBY GRANTED. Station WPWC may operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. It will be necessary to further reduce power or cease operation if complaints of interference are received. JMK must notify the Commission when licensed operation is restored.² JMK 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 5, 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

¹ WPWC is licensed for operation on 1480 kHz with 5 kilowatts daytime and 0.5 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

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

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", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: JMK Communications, Inc.