

FEDERAL COMMUNICATIONS COMMISSION
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October 7, 2009

John W. Zucker, Esq.
Assistant Secretary
ABC, Inc.
77 West 66th Street, 16th Floor
New York, NY 10023

Re: Radio Disney Atlanta, LLC
WDWD (AM), Atlanta, Georgia
Facility Identification Number: 8623
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed October 1, 2009, on behalf of Radio Disney Atlanta, LLC ("RDA"). RDA requests special temporary authority ("STA") to operate Station WDWD with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, RDA states that the station's transmitter site was severely flooded on September 21, 2009. RDA states that, as of September 30, 2009, it has restored operation using an emergency nondirectional antenna using one of the licensed towers and an emergency one-kilowatt transmitter.

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)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Our review indicates that the request complies with Section 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED. Station WDWD may continue to operate with an emergency nondirectional antenna and reduced power not to exceed 1.25 kilowatts daytime and 1.125 kilowatts nighttime. It will be necessary to further reduce power or cease operation if complaints of interference are received. RDA must notify the Commission

¹ WDWD is licensed for operation on 590 kHz with 5 kilowatts daytime and 4.5 kilowatts nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U). Construction Permit BP-20080801AYO authorized an increase in daytime power to 12 kilowatts. The permit facilities were constructed and Application BMML-20090916ADR, for license to cover the permit, is pending.

when licensed operation is restored.² RDA 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 7, 2010**.

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: Radio Disney Atlanta, LLC

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