

**FEDERAL COMMUNICATIONS COMMISSION**  
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**WASHINGTON DC 20554**

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November 9, 2009

Dennis J. Kelly, Esq.  
Box 41177  
Washington, DC 20018

Re: Queen of Heaven Catholic Radio, Inc.  
WQHC (AM), Hanceville, Alabama  
Facility Identification Number: 57437  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed November 6, 2009, on behalf of Queen of Heaven Catholic Radio, Inc. ("QHCR"). QHCR requests special temporary authority ("STA") to operate Station WQHC with temporary facilities.<sup>1</sup>

In support of the request, QHCR states that the previous licensee lost the station's transmitter site and the station has been silent since November 15, 2008; and thus faces the loss of its license if it does not resume broadcasting on or before November 15, 2009. QHCR proposes to resume operation with a temporary 10-watt transmitter and a whip antenna from a site 2.4 kilometers south of the licensed site.

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 proposes STA operation complies with the foregoing criteria.

Accordingly, the request for STA IS HEREBY GRANTED. Station WQHC may operate with

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<sup>1</sup> WQHC is licensed for operation on 1170 kHz with 0.85 kilowatt, daytime hours only, employing a nondirectional antenna (ND-D-D).

<sup>2</sup> For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

<sup>3</sup> For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

the following facilities:

Geographic coordinates	34° 03' 10" N, 86° 46' 40" W (NAD 1927)
Frequency	1170 KHz
Hours of operation	Daytime only
Operating power	10 watts
Antenna type	vertical whip

It will be necessary to further reduce power or cease operation if complaints of interference are received. QHCR must notify the Commission when licensed operation is restored.<sup>4</sup> QHCR 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 **May 9, 2010**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 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 Audio Division immediately upon resumption of broadcasting.

**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

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<sup>4</sup> *See* 47 CFR §§ 73.45(c), 73.51, 73.61(b).

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 that reads "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: Queen of Heaven Catholic Radio, Inc.