

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

November 24, 2009

Troy G. Langham, FCC Engineering Supervisor
Clear Channel Technical & Capital Management
2625 South Memorial Drive, Suite A
Tulsa, Oklahoma 74129

Re: Capstar TX Limited Partnership
WERC (AM), Birmingham, Alabama
Facility Identification Number: 2112
Special Temporary Authority

Dear Mr. Langham:

This is in reference to the request filed November 20, 2009, on behalf of Capstar TX Limited Partnership ("Capstar"). Capstar requests extension of the special temporary authority ("STA") granted on May 28, 2009, to operate Station WERC with parameters at variance and/or reduced power while maintaining monitor points within licensed limits, and with a nondirectional antenna and reduced power.¹

In support of the request, Capstar states that replacement phasing and sampling equipment has been ordered and that it is awaiting delivery.

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.

Our review indicates that the licensee has made progress toward restoration of licensed operation, but additional time is required for completing the work. Thus, extension of STA is warranted.

¹ WERC is licensed for operation on 960 kHz with 5 kilowatts daytime and 5 kilowatts nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

Accordingly, the request for extension of STA IS HEREBY GRANTED. Station WERC may continue to operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Operation during nighttime hours with a temporary nondirectional antenna and reduced power not to exceed 1.25 kilowatts also is authorized, only as necessary to facilitate the repair work. It will be necessary to further reduce power or cease operation if complaints of interference are received. Capstar must notify the Commission when licensed operation is restored.² Capstar 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 24, 2010**.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Capstar TX Limited Partnership

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