

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

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December 15, 2009

John M. Pelkey, Esq.
Garvey, Schubert & Barer
1000 Potomac Street NW, Fifth Floor
Washington, DC 20007

Re: Quantum of Auburn License Company, LLC
WPLV (AM), West Point, Georgia
Facility Identification Number: 54864
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed November 25, 2009, on behalf of Quantum of Auburn License Company, LLC ("QAL"). QAL requests extension and modification of the special temporary authority ("STA") granted on May 27, 2009, to operate Station WPLV with emergency antenna facilities pursuant to Section 73.1680.¹ For reasons which are discussed below, the request is denied.

QAL states that the station's licensed antenna tower was destroyed by a storm, and that it has restored operation with a long wire emergency antenna at the licensed site pursuant to the May 27, 2009, STA. In support of the instant request, QAL states that it has installed a new tower at the site of the collapsed tower. QAL states that the new tower is shorter than the licensed tower, and that it will be necessary to file an application seeking Commission approval of new operating parameters for the station.

Our review indicates that QAL apparently has constructed a replacement tower of different physical and electrical height than its previously licensed tower without prior Commission authority, in violation of Sections 73.1690(b)(1) and 73.3538(a)(4) of the FCC Rules. STA cannot be granted for operation with technical facilities constructed in violation of the Commission's rules. A copy of this letter is being provided to the Enforcement Bureau for appropriate action.

Accordingly, the request for STA IS DENIED. Any operation of Station WPLV with the replacement tower IS UNAUTHORIZED. QAL must immediately file an application for

¹ WPLV is licensed for operation on 1310 kHz with 1 kilowatt daytime and 0.031 kilowatt nighttime, employing a nondirectional antenna (ND-1-U).

construction permit for the new tower. The action taken herein does not preclude QAL from filing a new request for STA for continued use of the emergency wire antenna previously authorized.

Sincerely,

A handwritten signature in blue ink, appearing to read "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: Qantum of Auburn License Company, LLC
Priya Shrinivasan, Enforcement Bureau