

**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/](http://www.fcc.gov/mb/audio/)

ENGINEER: CHARLES N. (NORM) MILLER  
TELEPHONE: (202) 418-2767  
FACSIMILE: (202) 418-1410  
E-MAIL: [charles.miller@fcc.gov](mailto:charles.miller@fcc.gov)

December 22, 2009

William H. Fitz, Esq.  
Covington & Burling  
1201 Pennsylvania Avenue NW  
Washington, DC 20044-7566

Re: WLXX-AM License Corp.  
WRTO (AM), Chicago, Illinois  
Facility Identification Number: 11196  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed December 21, 2009, on behalf of WLXX-AM License Corp. ("WLC"). WLC requests special temporary authority ("STA") to operate Station WRTO pursuant to Section 73.1615.<sup>1</sup> In support of the request, WLC states that it is in the process of completing construction of modified WRTO facilities as authorized by Construction Permit BP-20090427AAB. WLC further states that operation from the currently licensed site is no longer possible because the lease is up and the site is scheduled for demolition. WLC requests STA for operation with the substantially adjusted directional antenna patterns authorized by the permit, with 50 percent of the authorized power.

Section 73.1615, which governs operation during modification of facilities, provides that AM licensees holding construction permits which involve directional facilities may discontinue operation, may operate with reduced power or with parameters at variance from licensed tolerances while maintaining monitor points within licensed limits, may operate in nondirectional mode during presently licensed hours of directional operation with power reduced to 25% of licensed directional power, may operate during daytime hours only in nondirectional mode with power reduced to 25% of construction permit directional power only as necessary to conduct nondirectional proof measurements, may operate during daytime hours with the substantially adjusted daytime or nighttime directional facilities authorized by the permit and with the power authorized by the permit only as necessary to take proof of performance measurements. Operating power shall be reduced to currently licensed levels when proof measurements are not being taken.

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<sup>1</sup> WRTO is licensed for operation on 1200 kHz with 10 kilowatts daytime and 1 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U). Construction Permit BP-20090427AAB authorizes relocation of the transmitter and an increase in operating power to 20 kilowatts daytime and 4.5 kilowatts nighttime, and modifications to the daytime and nighttime directional patterns.

Our review indicates that the proposed nighttime operating power does not comply with Section 73.1615; however, if it is reduced to the currently licensed level of 1 kilowatt, the request would comply with the rule. STA is granted with a reduction of the nighttime operating power to 1 kilowatt. WLC did not specify whether a field strength or method of moments ("MOM") proof is contemplated; therefore daytime nondirectional operation will be authorized on an "only as necessary" basis; this mode of operation will not be necessary if a MOM proof is planned. Because nondirectional operation to facilitate construction was not requested, such operation is not authorized.

Accordingly, the request for STA IS HEREBY GRANTED, with modification as discussed above. Station WRTO may operate pursuant to Section 73.1615 and the terms and conditions of Construction Permit BP-20090427AAB. In particular, the following modes of operation are authorized:

- 1) During daytime hours, with a nondirectional antenna and reduced power not to exceed 5 kilowatts, only as necessary for nondirectional proof of performance measurements. Operating power must be reduced to 2.5 kilowatts or less during any significant period of time when proof of performance measurements are not being taken.
- 2) During daytime hours, with the substantially adjusted daytime and/or nighttime directional patterns and powers authorized by the permit, for final adjustment and proof of performance measurements. Operating power shall be reduced to 10 kilowatts or less during any significant period of time when field strength measurements are not being taken.
- 3) During nighttime hours, with the substantially adjusted nighttime directional antenna pattern authorized by the permit, with reduced power **not to exceed 1 kilowatt**.

It will be necessary to further reduce power or cease operation if complaints of interference are received. WLC must notify the Commission when licensed operation is restored.<sup>2</sup> WLC 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 **June 22, 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.

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<sup>2</sup> *See* 47 CFR §§ 73.45(c), 73.51, 73.61(b).

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".

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: WLXX-AM License Corp.