

FEDERAL COMMUNICATIONS COMMISSION
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January 4, 2010

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 December 21, 2009, on behalf of Quantum of Auburn License Company, LLC ("QAL"). QAL requests special temporary authority ("STA") to operate Station WPLV with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, QAL states that the station's licensed antenna tower was destroyed by a storm and that it restored operation with a long wire emergency antenna for which STA was granted on May 27, 2009. QAL states that it constructed a replacement tower and filed a request for STA to operate with the tower, which was denied. QAL states that it has reinstalled the wire antenna and requests STA for operation with the wire antenna pending grant of its application for construction permit for the replacement tower.

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 WPLV may continue to operate with an emergency wire antenna. It will be necessary to further reduce power or cease operation if complaints of interference are received. QAL must notify the Commission when licensed operation is restored.² QAL must use whatever means are necessary to protect workers

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).

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 **July 4, 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: Quantum of Auburn License Company, LLC

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