

FEDERAL COMMUNICATIONS COMMISSION
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January 6, 2010

Gary S. Smithwick, Esq.
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue NW, Suite 301
Washington, DC 20016

Re: WFEA(AM), Manchester, New Hampshire
Facility Identification Number: 58543
Saga Communications of New England, Inc.
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed January 5, 2010, on behalf of Saga Communications of New England, Inc. ("Saga"). Saga requests special temporary authority ("STA") to operate Station WFEA during daytime hours with the authorized nighttime directional pattern.¹ In support of the request, Saga states that a failure in the daytime phasing equipment has prevented WFEA from operating in daytime mode. Saga requests STA to operate with its nighttime pattern while repairs are made. Saga states that repairs are scheduled to be completed within 30 days.

Our review indicates that the daytime and nighttime patterns are similar in shape, and that interference to other stations is not likely to result from the proposed STA operation.

Accordingly, the request for STA IS HEREBY GRANTED. Station WFEA may operate during daytime hours with its licensed nighttime directional pattern. It will be necessary to reduce power or cease operation if complaints of interference are received. Saga must notify the Commission when licensed operation is restored.² Saga 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 **April 6, 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

¹ WFEA is licensed for operation on 1370 kHz with 5 kilowatts daytime and 5 kilowatts nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

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

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,

A handwritten signature in blue ink, appearing to read "Charles N. Miller".

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Saga Communications of New England, Inc.