

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

February 25, 2010

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

Re: Clear Channel Broadcasting Licenses, Inc.
WAIL(FM), Key West, Florida
Facility Identification Number: 31637
Special Temporary Authority

Dear Mr. Langham:

This is in reference to the request filed February 22, 2010, on behalf of Clear Channel Broadcasting Licenses, Inc. ("CCBL"). CCBL requests special temporary authority ("STA") to operate Station WAIL with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, CCBL states that the station had been operating pursuant to a previous STA from the tower of commonly-owned Station WEOW, but that tower now has been lost. CCBL requests STA for operation with an emergency antenna located at the station's studio. CCBL provides technical details for the proposed STA operation.

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)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna.

Accordingly, the request for STA IS HEREBY GRANTED. Station WAIL may operate with the following facilities:

Geographic coordinates:	24° 34' 20" N, 81° 44' 23" W (NAD 1927)
Channel	258 (99.5 MHz)
Effective radiated power:	0.9 kilowatt (V only)
Antenna type:	nondirectional
Antenna height:	
above ground:	15 meters
above mean sea level:	16 meters
Above average terrain:	15 meters

¹ WAIL is licensed for operation on Channel 258C1 (99.5 MHz) with effective radiated power of 100 kilowatts (H&V) and antenna height above average terrain of 73 meters.

CCBL must notify the Commission when licensed operation is restored. CCBL 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 **August 25, 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: Clear Channel Broadcasting Licenses, Inc.