

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

March 17, 2010

Lauren A. Colby, Esq.
Box 113
Frederick, MD 21705-0113

Re: WBVA(AM), Bayside, Virginia
Facility Identification Number: 84068
Birach Broadcasting Corporation
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed March 16, 2010, on behalf of Birach Broadcasting Corporation ("Birach"). Birach requests special temporary authority ("STA") to operate Station WBVA with reduced power from a site other than the licensed site.^{1 2}

In support of the request, Birach states that the licensed tower was cut down by vandals and that the site owner was unwilling to allow the tower to be reconstructed. Birach states that the requested STA facilities are the same as previously authorized, except that a new, temporary site location is requested. Birach requests STA in order to allow operation of the station until permanent facilities can be restored.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service³ to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area⁴ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing. Our review further indicates that Station WBVA has been silent since March 27, 2009, and thus faces the loss of its license if it does not resume broadcasting on or before March 27, 2010.

Accordingly, the request for STA IS HEREBY GRANTED. Station WBVA may operate with

¹ WBVA is licensed for operation on 1450 kHz with 1 kilowatt daytime and 1 kilowatt nighttime, employing a nondirectional antenna (ND-1-U).

² A similar STA request was filed for commonly owned Station WVAB (AM), Virginia Beach, VA.

³ For AM - 5 mV/m contour.

⁴ For AM - 0.5 mV/m contour.

the following facilities:

Geographic coordinates:	36° 51' 59" N, 76° 09' 57" W (NAD 1927)
Frequency:	1450 kHz
Hours of operation:	Unlimited
Operating power:	Not to exceed 1 kW
Antenna type:	Temporary vertical radiator
Overall height:	12 meters

Simultaneous operation of Stations WBVA and WBVA from the temporary radiator shall not commence until sufficient diplexing equipment has been installed and properly adjusted to reduce all spurious emissions below the levels specified in 47 CFR Section 73.44(b). Within 10 days after commencement of such operation, Birach must submit the results of measurements which demonstrate compliance with the above condition. It will be necessary to further reduce power or cease operation if complaints of interference are received. Birach 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.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law if it does not resume broadcasting on or before March 27, 2010. *See* Pub. Law No. 104-104, 110 Stat. 56, § 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also* *Public Notice*, Expedited Processing of Applications Filed by Silent Stations, DA 96-818(May 22, 1996). **The licensee must notify the Commission immediately upon resumption of broadcasting.**

This authority expires on **September 17, 2010**.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Birach Broadcasting Coporation