

**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 31, 2010

John C. Trent, Esq.  
Putbresi Hunsaker & Trent, P.C.  
200 South Church Street  
Woodstock, Virginia 22664

Re: WNSI-FM, Atmore, Alabama  
Facility Identification Number: 51140  
Lonnie L. Mixon, Chapter 11 Trustee  
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed March 26, 2010, on behalf of Lonnie L. Mixon, Chapter 11 Trustee ("LLM"). LLM requests special temporary authority ("STA") to operate Station WNSI-FM with the facilities previously authorized by expired Construction Permit BPH-20050405AAE.<sup>1</sup>

In support of the request, LLM states that the licensed WNSI-FM transmission facilities were lost to a hurricane in 2004, that the former licensee obtained Construction Permit BPH-20050405AAE, constructed the authorized facilities and filed an application for license. LLM states that the former licensee's financial condition deteriorated, its pending license application was dismissed for failure to pay regulatory fees, and the permit expired. LLM further states that it now has filed a new application for the same facilities as were authorized by the expired permit.

Our review indicates that the proposed facilities are the same as were previously authorized and constructed, that the proposed STA operation is not likely to cause interference to any other station, and that the Public Interest would be served by providing for continued operation of Station WNSI-FM.

Accordingly, the request for STA IS HEREBY GRANTED. Station WNSI-FM may operate with the facilities formerly authorized by expired Construction Permit BPH-20050405AAE. LLM 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. The authority granted herein is without prejudice as to the Commission's final action on

---

<sup>1</sup> WNSI-FM is licensed for operation on Channel 290A (105.9 MHz) with effective radiated power ("ERP") of 3.3 kW (Max-DA, H&V) and antenna height above average terrain ("HAAT") of 136 meters. Application BPH-20100326ABA proposes relocation of the transmitter, an increase in ERP to 5.5 kW and a decrease in HAAT to 100 meters.

Application BPH-20100326ABA. Any construction undertaken pursuant to this authority is entirely at LLM's own risk.

This authority expires on **October 1, 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,

A handwritten signature in blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Lonnie L. Mixon, Chapter 11 Trustee