

**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/](http://www.fcc.gov/mb/audio/)

**ENGINEER:** CHARLES N. (NORM) MILLER  
**TELEPHONE:** (202) 418-2767  
**FACSIMILE:** (202) 418-1410  
**E-MAIL:** [charles.miller@fcc.gov](mailto:charles.miller@fcc.gov)

April 9, 2010

Mark J. Prak, Esq.  
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP  
Box 1800  
Raleigh, North Carolina 27602

Re: Sea-Comm, Inc.  
WUIN(FM), Carolina Beach, North Carolina  
Facility Identification Number: 34006  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed April 8, 2010, on behalf of Sea-Comm, Inc. ("SCI"). SCI requests special temporary authority ("STA") to operate Station WUIN with temporary facilities.<sup>1</sup> In support of the request, SCI states that the licensed directional antenna must be removed from the tower for maintenance. In order to maintain service during the antenna work, SCI proposes to operate with an existing antenna which was installed for future use of Station WKXB pursuant to Construction Permit BPH-20081201AZU.

Our review indicates that the proposed STA operation will not result in extension of the 60 dBu contour beyond the licensed contour, and that no interference to any other station is likely to result.

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

Geographic coordinates:	34° 3' 2" N, 77° 57' 20" W (NAD 1927)
Channel	294 (106.7 MHz)
Effective radiated power:	0.27 kilowatt (H&V)
Antenna height:	
above ground:	175 meters
above mean sea level:	181 meters
Above average terrain:	178 meters

SCI must notify the Commission when licensed operation is restored. SCI must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation

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<sup>1</sup> WUIN is licensed for operation on Channel 294A (106.7 MHz) with effective radiated power of 5.6 kilowatts (H&V) and antenna height above average terrain of 104 meters.

in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **July 9, 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: Sea-Comm, Inc.