

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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April 19, 2010

Lee W. Shubert, Esq.
Sciarrino & Shubert, PLLC
5425 Tree Line Drive
Centreville, VA 20120

Re: Artistic Media Partners, Inc.
WPNT (AM), South Bend, Indiana
Facility Identification Number: 41673
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed April 16, 2010, on behalf of Artistic Media Partners, Inc. ("AMP"). AMP requests special temporary authority ("STA") to operate Station WPNT with temporary facilities.¹

In support of the request, AMP states that it has lost the use of its licensed site. AMP requests STA for operation with a temporary long wire antenna and reduced power of 0.2 kilowatt.

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 service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ 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 criteria. Our review further indicates that Station WPNT has been silent since April 29, 2009, and thus faces the loss of its license if it does not resume broadcasting on or before April 29, 2010.

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

¹ WPNT is licensed for operation on 1490 kHz with 1 kilowatt daytime and 1 kilowatt nighttime, employing a nondirectional antenna (ND-1-U).

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

Transmitter site	726 S. Lafayette Blvd, South Bend, Indiana
Geographic coordinates	41° 40' 07" N, 86° 15' 18" W (NAD 1927)
Frequency	1490 KHz
Hours of operation	Unlimited
Operating power	0.2 kilowatt
Antenna type	Long wire
Overall height	6 meters (20 feet)

It will be necessary to further reduce power or cease operation if complaints of interference are received. AMP must notify the Commission when licensed operation is restored.⁴ AMP 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 **October 19, 2010**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 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 Audio Division immediately upon resumption of broadcasting.

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

⁴ *See* 47 CFR §§ 73.45(c), 73.51, 73.61(b).

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: Artistic Media Partners, Inc.