

FEDERAL COMMUNICATIONS COMMISSION
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May 11, 2010

Tom Jones
Bluewater Broadcasting Company, LLC
401A Wall Street
Montgomery, Alabama 36106

Re: WACV (AM), Montgomery, Alabama
Facility Identification Number: 43633
Bluewater Broadcasting Company, LLC
Special Temporary Authority

Dear Mr. Jones:

This is in reference to the request filed May 6, 2010, on behalf of Bluewater Broadcasting Company, LLC ("BBC"). BBC requests special temporary authority ("STA") to operate Station WACV with an emergency nondirectional antenna and reduced power.¹ In support of the request, BBC states that the station's antenna system has sustained weather-related damage.²

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)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Our review indicates that the proposed daytime nondirectional operation with 4.5 kilowatts exceeds the permissible operating power under Section 73.1680. STA will be granted with a daytime power reduction to 2.5 kilowatts.

Accordingly, the request for STA IS HEREBY GRANTED, with modification as discussed above. Station WACV may operate with an emergency nondirectional antenna and **reduced power not to exceed 2.5 kilowatts daytime and 0.25 kilowatt nighttime**, pending restoration of directional operation. Following restoration of the directional antenna systems, operation is authorized with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. It will be necessary to further reduce power or cease operation if complaints of interference are received. BBC must notify the Commission when licensed

¹ WACV is licensed for operation on 1170 kHz with 10 kilowatts daytime and 1 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

² During a telephone conversation with the station's consulting engineer, the staff was advised that the transmission lines to one or more of the station's towers have been damaged by lightning and must be replaced.

operation is restored.³ BBC 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 **November 11, 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: Bluewater Broadcasting Company, LLC

³ *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).