

**FEDERAL COMMUNICATIONS COMMISSION
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May 17, 2010

Herbert M. Hoppe
Box 366
Sauk Rapids, Minnesota

Re: Herbert M. Hoppe
WBHR (AM), Sauk Rapids, Minnesota
Facility Identification Number: 26980
Special Temporary Authority

Dear Mr. Hoppe:

This is in reference to the request filed May 13, 2010, on behalf of Herbert M. Hoppe ("HMH"). HMH requests special temporary authority ("STA") to operate Station WBHR during daytime hours with a temporary nondirectional antenna and reduced power¹. In support of the request, HMH states that it is in the process of completing construction of facilities for commonly owned and co-located new Station WXYG as authorized by Construction Permit BNP-20041029AGL. HMH states that, due to the installation of new daytime facilities for Station WXYG, the WBHR daytime directional networks are inoperable. HMH further states that the licensed nighttime operation of Station WBHR is not affected and that nighttime operation continues as licensed.

Our review indicates that the request complies with the technical provisions of Section 73.1615, which governs operation during modification of facilities.

Accordingly, the request for STA IS HEREBY GRANTED. Station WBHR may operate during daytime hours with a nondirectional antenna and reduced power not to exceed 2.5 kilowatts, only as necessary to facilitate the construction work. It will be necessary to further reduce power or cease operation if complaints of interference are received. HMH must notify the Commission when licensed operation is restored.² HMH 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 **August 17, 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

¹ WBHR is licensed for operation on 660 kHz with 10 kW daytime and 0.5 kW nighttime, employing different directional patterns during daytime and nighttime hours (DA-2-U).

² *See* 47 CFR §§ 73.45(c), 73.51, 73.61(b).

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: Herbert M. Hoppe