

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

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September 22, 2010

Gary S. Smithwick, Esq.
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue NW, Suite 301
Washington, DC 20016

Re: Flagler County Broadcasting, LLC
W292DE(FX), Bunnell, Florida
Facility Identification Number: 153096
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed September 20, 2010, on behalf of Flagler County Broadcasting, LLC ("FCB"). FCB requests special temporary authority ("STA") to operate FM Translator W292DE with temporary facilities.¹ For reasons which are discussed herein, the request is denied.

In support of the request, FCB states that it has given notice to the owner of the currently licensed site that it is terminating the tower license agreement due to denial of access to the site. FCB states that it has filed Application BMPFT-20100913ABS, to relocate the W292DE transmitter site to the site of primary Station WBHQ(FM), and requests STA for operation from the site specified in the application, but with reduced power and antenna height.

Having given the request a thorough and careful review, we are unable to reach a conclusion that the Public Interest would be served by grant of the requested STA. First, FCB has not indicated that it has lost the use of its licensed site. It is to be expected that FCB would exhaust all available channels of communication with the site owner before taking the step of removing its equipment from the site. Second, the STA request appears to have been filed to circumvent the staff's policy on processing of minor change applications for FM translators and, absent extraordinary circumstances not present in this case, STA is not granted to circumvent normal filing and processing requirements.

Accordingly, the request for STA IS HEREBY DENIED. This action is taken pursuant to 47

¹ W292DE is licensed for operation on Channel 292D (106.3 MHz) with effective radiated power of 0.25 kilowatt (Max-DA, H&V) and antenna height above average terrain of 87 meters.

CFR Section 0.283.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller". The signature is fluid and cursive, with the first name "Charles" being the most prominent part.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Flagler County Broadcasting, LLC