

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/

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

November 3, 2010

David D. Oxenford, Esq.
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, D.C. 20006

Re: Monterey Licenses, LLC
WTNI (AM), Biloxi, Mississippi
Facility Identification Number: 87159
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed November 2, 2010, on behalf of Monterey Licenses, LLC ("MLL"). MLL requests special temporary authority ("STA") to operate Station WTNI with reduced antenna height and reduced power.¹ In support of the request, MLL states that the station's licensed tower has degraded due to the salinity of the ambient air and must be replaced due to safety concerns. MLL states that it has filed Application BP-20101022AAJ, for construction permit to reduce the tower height, and that the application remains pending. MLL proposes to reduce the tower height due to the unsafe nature of the structure, and to reduce daytime operating power in order to accommodate the increased currents in the antenna tuning networks caused by the decreased tower impedance.

Our review indicates that the proposed STA operation is unlikely to cause interference to other stations, and that STA is necessary to provide for continued operation of Station WTNI pending replacement of its tower and the processing of its application.

Accordingly, the request for STA IS HEREBY GRANTED. Station WTNI may operate with reduced tower height and/or with reduced power. It will be necessary to further reduce power or cease operation if complaints of interference are received. MLL 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. The authority granted herein is without prejudice as to the Commission's action on Application BP-20101022AAJ; any construction undertaken by MLL pursuant to this authority is entirely at MLL's own risk.

This authority expires on **May 3, 2011**.

¹ WTNI is licensed for operation on 1640 kHz with 10 kilowatts daytime and 1 kilowatt nighttime, employing a nondirectional antenna (ND-2-U). Application BP-20101022AAJ proposes a decrease in antenna height.

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: Monterey Licenses, LLC