

**FEDERAL COMMUNICATIONS COMMISSION**  
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March 7, 2011

Stuart W. Nolan, Jr., Esq.  
Legal Works Apostolate, PLLC  
4 family Life Lane  
Front Royal, Virginia 22630

Re: WNGL (AM), Mobile, Alabama  
Facility Identification Number: 854  
Archangel Communications  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed February 23, 2011, on behalf of Archangel Communications ("AC"). AC requests special temporary authority ("STA") for continued operation of Station WNGL pursuant to Section 73.1615<sup>1</sup>. In support of the request, AC states that it has completed construction of modified WNGL facilities authorized by Construction Permit BP-20100129ADD, that all testing has been completed and an application for license will be filed imminently<sup>2</sup>.

Section 73.1615, which governs operation during modification of facilities, provides that AM licensees holding construction permits which involve directional facilities may discontinue operation, may operate with reduced power or with parameters at variance from licensed tolerances while maintaining monitor points within licensed limits, may operate in nondirectional mode during presently licensed hours of directional operation with power reduced to 25% of licensed directional power, may operate during daytime hours only in nondirectional mode with power reduced to 25% of construction permit directional power only as necessary to conduct nondirectional proof measurements, may operate during daytime hours with the substantially adjusted daytime or nighttime directional facilities authorized by the permit and with the power authorized by the permit only as necessary to take proof of performance measurements. Operating power shall be reduced to currently licensed levels when proof measurements are not being taken.

Our review indicates that operation with the substantially adjusted directional antenna patterns authorized by the permit is permissible. Although not required, authority for operation with reduced power was requested; STA is granted accordingly.

Accordingly, the request for STA IS HEREBY GRANTED. Station WNGL may operate with the

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<sup>1</sup> WNGL is licensed for operation on 1410 kHz with 5 kW, unlimited hours, employing a directional antenna during nighttime hours only (DA-N-U). Construction Permit BP-20100129ADD authorizes relocation of the transmitter and a reduction in nighttime operating power to 4.6 kW.

<sup>2</sup> AC states that the STA request originally was inadvertently placed on the form for extension of a request for authority to remain silent. We note that the previous submission, File No. BLESTA-20101020ABV, was dismissed by the staff on February 9, 2011.

daytime nondirectional antenna and power authorized by the permit, and with the substantially adjusted nighttime directional antenna pattern and power authorized by the permit. Operation with reduced power, if deemed necessary by the licensee, also is authorized. It will be necessary to further reduce power or cease operation if complaints of interference are received. It is anticipated that an application for license to cover the permit will be filed in the near future. AC 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 **September 7, 2011**.

**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 stylized flourish at the end.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Archangel Communications