

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

May 19, 2011

David A. O'Connor, Esq.
Wilkinson Barker Knauer, LLP
2300 N Street NW, Suite 700
Washington, DC 20037

Re: WCLY-AM, LLC
WCLY (AM), Raleigh, North Carolina
Facility Identification Number: 51262
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed May 16, 2011, on behalf of WCLY-AM, LLC ("WAL"). WAL requests special temporary authority ("STA") to operate Station WCLY with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, WAL states that the licensed tower collapsed during a tornado on April 16, 2011. WAL states that it was granted STA on May 6, 2011, for operation with an emergency long wire antenna at the licensed site and reduced power. WAL now requests modification of the STA for increased operating power of 1 kW.

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 may use a horizontal or vertical wire as an emergency antenna.

Our review indicates that the proposed, modified STA operation complies with Section 73.1680.

Accordingly, the request for modification of STA IS HEREBY GRANTED. Station WCLY may continue to operate with emergency antenna facilities as described above. Operating power shall not exceed 1 kW daytime and 0.007 kW nighttime. It will be necessary to further reduce power or cease operation if complaints of interference are received. WAL must notify the Commission when licensed operation is restored.² WAL 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.

¹ WCLY is licensed for operation on 1550 kHz with 1 kilowatt daytime and 0.007 kilowatt nighttime, employing a nondirectional antenna (ND-1-U).

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

This authority expires on **November 19, 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,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: WCLY-AM, LLC