

FEDERAL COMMUNICATIONS COMMISSION
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June 3, 2011

(Reissued June 14, 2011, to correct date of grant)

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2000 K Street NW, Suite 600
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Re: WBCK (AM), Battle Creek, Michigan
Facility Identification Number: 37459
Stratus Radio, LLC, as Trustee
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed May 31, 2011, on behalf of Stratus Radio, LLC, as Trustee ("Stratus"). Stratus requests special temporary authority ("STA") to operate Station WBCK during nighttime hours with the licensed daytime directional pattern and reduced power.¹ In support of the request, Stratus states that one of the station's nighttime towers collapsed during a severe storm on May 29, 2011.

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 using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Our review indicates that the proposed STA operation is less likely to cause interference to other stations than the nondirectional operation which is permitted by Section 73.1680, while at the same time it would provide better service to Battle Creek than the permitted nondirectional operation.

Accordingly, the request for STA IS HEREBY GRANTED. Station WBCK may operate during nighttime hours with the licensed daytime pattern and reduced power not to exceed 0.25 kilowatt. It will be necessary to further reduce power or cease operation if complaints of interference are received. Stratus must notify the Commission when licensed operation is

¹ WBCK is licensed for operation on 930 kHz with 5 kilowatts daytime and 1 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

restored.² Stratus 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 **December 3, 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: Stratus Radio, LLC, as Trustee

² See 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).