

**FEDERAL COMMUNICATIONS COMMISSION**  
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October 28, 2011

Larry D. Perry, Esq.  
11464 Saga Lane, Suite 400  
Knoxville, TN 37931-2819

Re: WQKR (AM), Portland, Tennessee  
Facility Identification Number: 6663  
Venture Broadcasting LLC  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed October 27, 2011, on behalf of Venture Broadcasting LLC ("VB"). VB requests special temporary authority ("STA") to operate Station WQKR pursuant to Section 73.1615.<sup>1</sup> In support of the request, VB states that it completed construction of facilities authorized by Construction Permit BP-20050720ADU and filed Application BL-20090202CFA, for license to cover the permit. VB states that its license application was dismissed by the staff on March 6, 2009, and that, on April 4, 2009, it filed a Petition for Reconsideration with a corrective amendment to the license application. VB states that the Petition is being withdrawn concurrently with the filing of its STA request in order that the staff may consider its pending application, File No. BP-20110711AAB (*See* Note 1, below). VB requests STA for operation from the application site with a temporary nondirectional antenna and reduced power of 0.5 kilowatt daytime and 0.043 kilowatt nighttime.

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 the proposed STA operation exceeds the power permitted by Section 73.1615; however, if the operating power is reduced to 0.25 kilowatt daytime and 0.015 kilowatt nighttime, it would comply with the technical provisions of the rule. Although VB currently does not hold a construction permit, under the circumstances presented we find that the Public Interest would be served by grant of the requested STA, with a power reduction to 0.25 kilowatt daytime and 0.015 kilowatt

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<sup>1</sup> WQKR is licensed, for operation on 1270 kHz with 1 kilowatt daytime and 0.059 kilowatt nighttime, employing a directional antenna (DA-2-U). Application BP-20110711AAB proposes relocation of the transmitter and operation with 1.0 kilowatt daytime and 0.043 kilowatt nighttime, employing a nondirectional antenna (ND-2-U).

nighttime.

Accordingly, the request for STA IS HEREBY GRANTED, with a power reduction as discussed above. Station WQKR may operate from the site proposed in Application BP-20110711AAB, with a nondirectional antenna and **operating power not to exceed 0.25 kilowatt daytime and 0.015 kilowatt nighttime**. It will be necessary to further reduce power or cease operation if complaints of interference are received. VB 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 **April 28, 2012**.

**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: Venture Broadcasting LLC