

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

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January 30, 2012

Coe W. Ramsey, Esq.  
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP  
Box 1800  
Raleigh, North Carolina 27602

Re: WPTF (AM), Raleigh, North Carolina  
Facility Identification Number: 21630  
First State Communications, Inc.  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed January 27, 2012, on behalf of First State Communications, Inc. ("FSC"). FSC requests special temporary authority ("STA") to operate Station WPTF during nighttime hours from the daytime tower and with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.<sup>1</sup> In support of the request, FSC states that the requested STA is necessary to accommodate the installation and tuning of duplexing equipment for Station WQDR, as authorized by Construction Permit BP-20110622AAH.

Our review indicates that, with the exception of the requested nighttime nondirectional operating power, the proposed STA operation complies with the technical provisions of Section 73.1615, which governs operation during modification of facilities. If the nighttime nondirectional power is reduced to 12.5 kilowatts or less, the proposed operation complies with the rule.

Accordingly, the request for STA IS HEREBY GRANTED, with a nighttime power reduction as discussed above. Station WPTF may operate during nighttime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Operation during nighttime hours with a temporary nondirectional antenna and **reduced power not to exceed 12.5 kilowatts** also is authorized, only as necessary to facilitate the planned antenna construction. It will be necessary to further reduce power or cease operation if complaints of interference are received. FSC must notify the Commission when licensed operation is restored.<sup>2</sup> FSC 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.

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<sup>1</sup> WPTF is licensed for operation on 680 kHz with 50 kilowatts daytime and 50 kilowatts nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

<sup>2</sup> See 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

This authority expires on **July 30, 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,

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: First State Communications, Inc.