

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

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February 22, 2012

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

Re: Triangle Broadcast Associates, LLC  
WFNL (AM), Raleigh, North Carolina  
Facility Identification Number: 61698  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed February 21, 2012, on behalf of Triangle Broadcast Associates, LLC ("TBA"). TBA requests special temporary authority ("STA") to operate Station WFNL pursuant to Section 73.1615.<sup>1</sup> In support of the request, TBA states that has completed construction of modified WFNL facilities as authorized by Construction Permit BP-20110622AAH and has filed an application for license to cover the permit. TBA requests STA in order to provide for continued operation of Station WFNL during the pendency of its license application.

Section 73.1615, which governs operation during modification of facilities, provides that licensees holding construction permits for modification of nondirectional AM facilities may discontinue operation or may operate with temporary facilities to maintain, as nearly as possible, but not exceed, the size of the presently licensed coverage area.

Our review indicates that the request complies with Section 73.1615. Our review further indicates that the results of spurious emission measurements for the diplexed operation of Stations WPTF and WFNL (formerly WQDR), as required by the permit, were submitted with the STA request.

Accordingly, the request for STA IS HEREBY GRANTED. Station WFNL may continue to operate with the facilities authorized by Construction Permit BP-20110622AAH, pending processing of its application for license. It will be necessary to reduce power or cease operation if complaints of interference are received. TBA must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the

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<sup>1</sup> WFNL is licensed for operation on 570 kHz with 1 kilowatt daytime and 0.052 kilowatt nighttime, employing a nondirectional antenna (ND-2-U). Construction Permit BP-20110622AAH authorizes relocation of the transmitter, an increase in tower height and a reduction in nighttime power to 0.04 kilowatt.

Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **August 22, 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: Triangle Broadcast Associates, LLC