

FEDERAL COMMUNICATIONS COMMISSION
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March 19, 2012

Robert S. Stone, Esq.
Ramsey, Elmore, Stone & Caffey, PLLC
5616 Kingston Pike
Knoxville, Tennessee 37919

Re: W284AW (FX), Gatlinburg, Tennessee
Facility Identification Number: 144875
Oak Ridge FM, Inc.
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed March 15, 2012, on behalf of Oak Ridge FM, Inc. ("ORF"). ORF requests special temporary authority ("STA") to operate FM Translator W284AW with temporary facilities.¹

In support of the request, ORF states that the owner of the transmitter site has refused to grant an extension of the lease for use of the site and that the station currently is off the air. ORF states that it has arranged to relocate the transmitter to another tower approximately 1.2 kilometers west of the currently licensed site, and that it is preparing an application for construction permit for a new, permanent site.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation would result in a slight extension of the 60 dBu contour beyond the licensed contour toward the southwest; however, the extension is confined to a region of sparsely populated, mountainous terrain.

¹ W284AW is licensed for operation on Channel 284D (104.7 MHz) with effective radiated power of 0.01 kilowatt (H&V) and antenna height above average terrain of 112 meters.

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

Accordingly, the request for STA IS HEREBY GRANTED. Station W284AW may operate with the following facilities:

Geographic coordinates:	35° 42' 13" N, 83° 33' 57" W (NAD 1927)
Channel	284 (104.7 MHz)
Effective radiated power:	Not to exceed 0.0025 kilowatt (H&V)
Antenna height:	
above ground:	15 meters
above mean sea level:	990 meters
Above average terrain:	296 meters

ORF 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 **September 19, 2012**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also Public Notice*, Expedited Processing of Applications Filed by Silent Stations, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

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". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Oak Ridge FM, Inc.