

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

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April 13, 2012

Timothy K. Brady, Esq.  
P.O. Box 930  
Johnson City, TN 37605-0930

Re: WGAD(AM), Gadsden, AL  
Facility Identification Number: 13849  
Rainbow City Media, LLC  
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed April 9, 2012, on behalf of Rainbow City Media, LLC ("RCM"). RCM requests special temporary authority ("STA") to operate Station WGAD with a nondirectional antenna at night using 25 percent of the licensed nighttime power.<sup>1</sup> In support of the request, RCM states that the south tower in the nighttime directional array was downed in severe weather.

Our review indicates that the proposed STA operation is permissible according to 73.1680 of the Rules. Accordingly, the request for STA IS HEREBY GRANTED. Station WGAD may operate using the daytime nondirectional antenna at night with power of 250 watts, or with higher power not exceeding 1 kilowatt while maintaining nighttime monitoring points within limits. It will be necessary to reduce power or cease operation if complaints of interference are received. RCM must notify the Commission when licensed operation is restored.<sup>2</sup> RCM 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 **October 13, 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.

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<sup>1</sup> WGAD is licensed for operation on 1350 kHz with 5 kilowatts daytime and 1 kilowatt at night, employing a directional antenna pattern during nighttime hours. (DA-N-U).

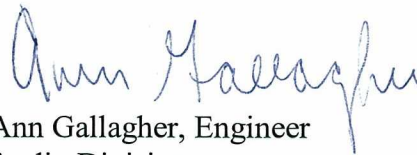
<sup>2</sup> *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b)

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 that reads "Ann Gallagher". The signature is fluid and cursive, with the first name "Ann" and last name "Gallagher" clearly distinguishable.

Ann Gallagher, Engineer  
Audio Division  
Media Bureau