

FEDERAL COMMUNICATIONS COMMISSION
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September 13, 2012

Robert G. Ladd
297 Fillmore Street
Naples, Florida 34104

Re: Robert G. Ladd
W251BL(FX), Everglades City, Florida
Facility Identification Number: 139429
Special Temporary Authority

Dear Mr. Ladd:

This is in reference to the request filed September 11, 2012, on behalf of Robert G. Ladd ("RGL"). RGL requests special temporary authority ("STA") to operate FM Translator W251BL with temporary facilities.¹ In support of the request, RGL states that, even though its rent payments have been made, the licensed site was foreclosed and power cut off, forcing the station off the air. RGL states that the site owner could not be contacted and that the foreclosing institution does not intend to honor RGL's rental agreement with the owner. RGL states that it is preparing an application for construction permit to relocate the transmitter, and requests STA for operation with temporary facilities in the meantime.

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 fails to comply with the foregoing criteria in that the proposed 60 dBu contour would extend significantly beyond the licensed contour toward the northwest; however, if the effective radiated power ("ERP") is reduced to 20 watts, the extension would be eliminated. STA is granted with a reduction in ERP to 20 watts.

Accordingly, the request for STA IS HEREBY GRANTED, with a power reduction as discussed above. Station W251BL may operate with the following facilities:

Geographic coordinates:	25° 57' 16" N, 81° 43' 29" W (NAD 1927)
Channel	251 (98.1 MHz)

¹ W251BL is licensed for operation on Channel 251D (98.1 MHz) with effective radiated power of 0.25 kilowatt (H&V) and antenna height above average terrain of 21 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.

Effective radiated power:	Not to exceed 0.02 kilowatt (H&V)
Antenna height:	
above ground:	20 meters
above mean sea level:	21 meters
above average terrain:	21 meters

RGL must notify the Commission when licensed operation is restored. RGL 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 **March 13, 2013**.

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: Robert G. Ladd