

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

October 12, 2012

Gary S. Smithwick
Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue NW, Suite 301
Washington, DC 20016

Re: Saga Communications, Inc.
WNAX (AM), Yankton, SD
Facility Identification Number: 57846
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed October 9, 2012, on behalf of Saga Communications, Inc. ("Saga"). Saga requests special temporary authority ("STA") to operate Station WNAX during nighttime hours using the daytime nondirectional antenna and reduced power.¹ In support of the request, Saga states that it plans to replace the antenna tuning unit doghouse at one of the station's nighttime towers. Saga states that the planned construction work is not expected to exceed 14 days, after which it will file an application for direct measurement of operating power if it cannot restore operation in accordance with the current license.

Our review indicates that the proposed STA operation complies with the technical provisions of Section 73.1615, which governs operation during modification of facilities. Based on the information provided, although not specifically requested, STA also is granted for operation with parameters at variance and/or reduced power while maintaining monitor points within licensed limits, if necessary to cover the post-construction period.

Accordingly, the request for STA IS HEREBY GRANTED, with modification as discussed above. Station WNAX may operate during nighttime hours with the licensed daytime nondirectional antenna and reduced power not to exceed 1.25 kW, only as necessary to facilitate the planned repair work. Following completion of the repair work, Station WNAX may operate during nighttime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. It will be necessary to further reduce power or cease operation if complaints of interference are received. Saga must notify the Commission when licensed operation is restored.² Saga must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's

¹ WNAX is licensed for operation on 570 kHz with 5 kilowatts daytime and 5 kilowatts nighttime, employing a directional antenna at night (DA-N-U).

² See 47 CFR §§ 73.45(c), 73.51, 73.61(b).

exposure guidelines. See 47 CFR § 1.1310.

This authority expires on **April 12, 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: Saga Communications, Inc.