

FEDERAL COMMUNICATIONS COMMISSION
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February 13, 2013

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

Re: Whiplash Radio, LLC
WYCL(AM), Niles, Ohio
Facility Identification Number: 73308
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed February 11, 2013, on behalf of Whiplash Radio, LLC ("WRL"). WRL requests special temporary authority ("STA") to operate Station WYCL(AM) during daytime hours with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, WRL states that as a result of vandalism to the WYCL(AM) licensed daytime directional antenna system antenna units, as well as the theft of nine copper coils of the system and the cutting of the ground system, the station is currently operating under the provisions of Section 73.1680(b)(1) of the Commission's rules. Specifically, the center tower of the licensed WYCL(AM) array is being used as a nondirectional antenna with a power of 125 watts (daytime only).

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Our review indicates that the request complies with Section 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED. Station WYCL(AM) may continue to operate during daytime hours with an emergency nondirectional antenna and reduced power not to exceed 125 watts. It will be necessary to further reduce power or cease operation if

¹ WYCL(AM) is licensed for operation on 1540 kHz with 500 watts of directional power for daytime operation only (DAD-D).

complaints of interference are received. WRL must notify the Commission when licensed operation is restored.² WRL 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 **May 14, 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,


Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Whiplash Radio, LLC

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