

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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March 12, 2013

John C. Trent, Esq.
Putbrese Hunsaker & Trent, P.C.
200 South Church St.
Woodstock, VA 22664

Re: WBVA(AM), Bayside, VA
Facility Identification Number: 84068
Birach Broadcasting Corporation
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed March 8, 2013, on behalf of Birach Broadcasting Corporation ("Birach"). Birach requests special temporary authority ("STA") to operate station WBVA(AM) with reduced power from a site other than the license site.¹²

In support of the request, Birach states that the licensed tower was cut down by vandals and that the site owner was unwilling to allow the tower to be reconstructed. Birach then made arrangements to erect a temporary radiating structure at an alternative site under original special temporary authority BSTA-20090227ACA, and has been operating under special temporary authority since that time. However, after significant attempts to relocate the station, Birach states that a new site has been identified and filed for under form 301-AM application (BP-20130201BAV). Birach requests STA to operate from the new site location with the same antenna element, power, and Theoretical RMS as already granted in BSTA-20120402ANJ, however at this new temporary site location.

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 service³ to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area⁴ without extending it; (4) STA facilities cannot involve the

¹ WBVA(AM) is licensed for operation on 1450 kHz with 1 kilowatt daytime and 1 kilowatt nighttime, employing a nondirectional antenna (ND-1-U).

² A similar STA request was filed for by commonly owned Station WVAB(AM), Virginia Beach, VA.

³ For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

⁴ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing criteria. Accordingly, the request for STA IS HEREBY GRANTED. Station WBVA(AM) may operate with the following facilities:

Geographic coordinates	36° 51' 14" N, 76° 10' 13" W (NAD 1927)
Frequency	1450 KHz
Hours of operation	Unlimited
Operating power	Not to exceed 0.03 kW daytime, 0.03 kW nighttime
Antenna type	Temporary vertical radiator
Overall height	12 meters

Simultaneous operation of Stations WBVA and WVAB from the temporary radiator shall not commence until sufficient duplexing equipment has been installed and properly adjusted to reduce all spurious emissions below the levels specified in 47 CFR Section 73.44(b). Within 10 days after commencement of such operation. It will be necessary to further reduce power or cease operation if complaints of interference are received. Birach 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 8, 2013**.

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,



Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Birach Broadcasting Corporation