

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: Jerome Manarchuck
TELEPHONE: (202) 418-7226
FACSIMILE: (202) 418-1410
E-MAIL: Jerome.Manarchuck@fcc.gov

September 30, 2013

Troy G. Langham
Capstar TX LLC
2625 Memorial Drive, Suite A
Tulsa, OK 74129

Re: Capstar TX LLC
WWNC(AM), Asheville, North Carolina
Facility Identification Number: 294
Special Temporary Authority

Dear Mr. Langham:

This is in reference to the request filed September 27, 2013, on behalf of Capstar TX LLC ("Capstar"). Capstar requests special temporary authority ("STA") to operate Station WWNC(AM) with emergency antenna facilities pursuant to Section 73.1680, or to operate with directional parameters at variance while maintaining monitor points while the licensee erects an exact replacement for tower #4 of its license array.¹

In support of the request, Capstar states it is erecting an exact replacement for tower #4 of its licensed array. Therefore, it is seeking STA to operate nondirectionally during daytime hours with its licensed 5 kilowatts of power and to employ a different tower in the antenna array with the same electrical height. It is also requesting to operate nondirectionally at night with 1.25 kilowatts which is 25% of its licensed nighttime power.

Section 73.1680 of the Commission's rules provide for operation with emergency antenna facilities, 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 license 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.

Accordingly, the request for STA IS HEREBY GRANTED. Station WWNC(AM) may operate with an emergency nondirectional antenna and power not to exceed 5 kilowatts daytime and 1.25 kilowatts nighttime. It will be necessary to further reduce power or cease operation if complaints

¹ WWNC(AM) is licensed for operation on 570 kHz with 5 kilowatts daytime and 5 kilowatts nighttime, employing a directional antenna pattern during nighttime hours (DA-N-U).

of interference are received. Capstar must notify the Commission when licensed operation is restored.² Capstar 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 29, 2014**.

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,



Son Nguyen
Audio Division
Media Bureau

cc: Capstar TX LLC

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