

FEDERAL COMMUNICATIONS COMMISSION
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November 27, 2013

Barry A. Freedman
Thompson Hine LLP
1919 M Street NW, Suite 700
Washington, DC 20036

Re: W238BY (FX), Crisfield, MD
Bay Broadcasting, Inc.
Facility Identification Number: 154039
Special Temporary Authority
BSTA-20131126BTD

Dear Counsel:

This is in reference to the request filed November 26, 2013, on behalf of Bay Broadcasting, Inc. ("Bay Broadcasting"). The tower on which FM fill-in translator W238BY is licensed to operate from, was damaged by Hurricane Sandy. This required the tower owner to remove several antennas from the tower in August 2013, including the translator antenna, to meet new wind loading requirements. Bay Broadcasting requests an STA to operate from another tower in the area at reduced power, and states that an application for permanent relocation of the station will be filed.

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 service to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area¹ 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 complies with the foregoing criteria.

Accordingly, the request for STA IS HEREBY GRANTED. Station W238BY may operate with the following facilities:

Geographic coordinates:	38° 01' 45" N, 75° 45' 05" W (NAD 1927)
Channel	238 (95.5 MHz)
Effective radiated power:	0.2 kilowatts (H & V)
Antenna height:	
above ground:	122 meters
above mean sea level:	125 meters
above average terrain:	125 meters
Antennas Structure Registration No.:	1202432

¹ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

It is anticipated that an application for construction permit to relocate the station will be filed prior to the expiration date below. Bay Broadcasting must use whatever means are necessary to protect workers and the public from radiofrequency exposure in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **May 26, 2014**.

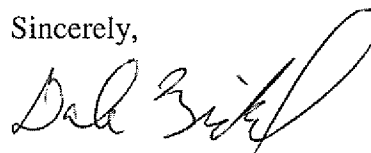
STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice 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,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Bay Broadcasting, Inc.