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December 11, 2013

Mark N. Lipp, Esq.
Wiley Rein LLP
1776 K Street, NW
Washington, DC 20006

Re: Cumulus Licensing LLC
WLZR(AM), Melbourne, FL
Facility Identification Number: 60388
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed December 5, 2013, on behalf of Cumulus Licensing LLC ("CLL"). CLL requests special temporary authority ("STA") to operate station WLZR(AM) with reduced power.¹ In support of the request, CLL states that a reduced power daytime operation is necessary to allow WLZR(AM) to maintain service to the community of Melbourne following vandalism and the virtual destruction of its ground system. The station has just over a week to return to the air, or by operation of law lose its license.² The vandalism to the ground system prevents proper operation of the system at full power. Therefore, WLZR(AM) requests STA to operate during daytime hours with a reduced power of 0.25 kilowatt.

Section 1560(d), which governs reduced power operation, states:

In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (see Section 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.

¹ WLZR(AM) is licensed for operation on 1560 kHz with 5 kilowatts daytime only, employing a nondirectional antenna pattern (NDD).

² According to WLZR(AM)'s attorney, the station went silent on December 20, 2012. However at that time, the station failed to file a request for STA to remain silent. In May of 2013, WLZR(AM) filed a legal STA (BLSTA-20130507AFF) stating that the FCC was notified of the station suspending operations in December 2012, however it failed to file an STA request for WLZR(AM) to remain silent. Therefore, CLL filed the STA in May requesting leave of the late request.

Our review indicates that the request complies with Section 73.1560(d).

Accordingly, the request for STA IS HEREBY GRANTED. In addition, the WLZR(AM) pending legal STA (BLSTA-20130507AFF) is HEREBY DISMISSED as moot. Station WLZR(AM) may continue to operate with reduced power. CLL must notify the Commission when licensed operation is restored. CLL 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 **June 9, 2014**.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [ending **December 20, 2013**], notwithstanding the grant of the present STA. 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). Please be aware that unauthorized operations – operations with facilities not authorized by a current STA or license – do not count as a resumption of operations within one year for the purposes of Section 312(g) of the Communications Act, and cannot be used to avoid the consequences of Section 312(g). See *A-O Broadcasting Corporation*, FCC 08-10, 23 FCC Rcd 603, released January 8, 2008.

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: Cumulus Licensing LLC