

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

April 22, 2014

John Neely, Esq.
Miller and Neely P.C.
3750 University Blvd. W.
Kensington, MD 20895

Re: Mortenson Broadcasting Co. of West Virginia, LLC
WEMM(AM), Huntington, West Virginia
Facility Identification Number: 61277
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed April 18, 2014, on behalf of Mortenson Broadcasting Co. of West Virginia, LLC ("Mortenson"). Mortenson requests special temporary authority ("STA") to operate station WEMM(AM) with reduced power.¹ In support of the request, Mortenson states that the WEMM(AM) tower site was vandalized on April 25, 2013 taking the station off the air. Therefore, the station is requesting STA to operate with reduced power during daytime and critical hours in order to protect the station's license. In addition, the station proposes to continue to operate at night with its licensed power of 0.009 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.

Our review indicates that the request complies with Section 73.1560(d). Our review further indicates that station WEMM(AM) went silent on April 25, 2013, and thus faces the loss of its license if it does not resume broadcasting by 12:01 a.m., April 26, 2014.

Accordingly, the request for STA IS HEREBY GRANTED. Station WEMM(AM) may operate during daytime and critical hours with a reduced power of 1 kilowatt, and during nighttime hours with its licensed power of 0.009 kilowatt. Mortenson must notify the Commission when licensed operation is restored. Mortenson 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.

¹ WEMM(AM) is licensed for operation on 1200 kHz with 22 kilowatts of power daytime, a nighttime power of 0.009 kilowatt, and 8 kilowatts of power during critical hours, employing a nondirectional antenna (ND3-U).

This authority expires on **October 19, 2014**.

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: Mortenson Broadcasting Co. of West Virginia, LLC