

FEDERAL COMMUNICATIONS COMMISSION
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July 17, 2014

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

Re: Cumulus Licensing LLC
WTOD(AM), Hartsville, South Carolina
Facility Identification Number: 26328
Special Temporary Authority

Dear Counsel:

This letter is to re-issue the WTOD(AM) special temporary authority ("STA") which was granted on July 15, 2014. The coordinates listed in the grant letter were incorrect and therefore this letter serves to correct the error and grant the STA from the requested site location.

On July 10, 2014, Cumulus Licensing LLC ("CLL") requested special temporary authority ("STA") to operate station WTOD(AM) with temporary facilities.¹ In support of the request, CLL stated that due to the loss of the use of the licensed transmitter site and antenna system, CLL is requesting an STA operation from an alternate site at a reduced power of 0.01 kilowatt daytime, while it locates a final transmitter site for WTOD(AM). CLL states that a long wire antenna will be constructed using two 6 meter wooden utility poles, spaced 51.7 meters apart on a bearing of 90° (east-west). The proposed site is located 12.7 kilometers north of the licensed site.

Due to the loss of its transmitter site, station WTOD(AM) went silent on July 15, 2013. Therefore, in order to avoid expiration of its license, the station needs to return to the air by 12:01 a.m., July 16, 2014.

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 area² without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

¹ WTOD(AM) is licensed for operation on 1450 kHz with 1 kilowatt of power, unlimited hours, employing a nondirectional antenna pattern (ND-1-U).

² For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

Accordingly, the request for STA is GRANTED.

Station WTOD(AM) may operate with the following facilities:

Geographic coordinates	34° 27' 55" N, 80° 05' 42" W (NAD 1927)
Frequency	1450 KHz
Hours of operation	Daytime only
Operating power	0.01 kilowatt
Antenna type	Horizontal wire
Antenna efficiency	33.3 mV/m

It will be necessary to further reduce power or cease operation if complaints of interference are received. WTOD(AM) must notify the Commission when licensed operation is restored. WTOD(AM) 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 **January 11, 2015**.

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.

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.

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