## 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

October 17, 2014

David Oxenford, Esq. Wilkinson Barker Knauer, LLP 2300 N. Street, N.W. Suite 700 Washington, DC 20037-1128

Re: Family Radio, Inc. WIZM(AM), La Crosse, WI Facility Identification Number: 20667 Special Temporary Authority

Dear Counsel:

This is in reference to the request filed October 14, 2014, on behalf of Family Radio, Inc. ("FRI"). FRI requests special temporary authority ("STA") to operate station WIZM(AM) with facilities the vary from its license.<sup>1</sup> In support of the request, FRI states that in order to permit continued service while the WIZM(AM) phasor and feeder system are replaced, authority is requested for WIZM(AM) to operate non-directionally during daytime hours using either tower of its directional array at 5 kilowatts, or at reduced power as necessary. In addition, STA is requested to operate WIZM(AM)'s nighttime directional pattern during nighttime hours with parameters at variance, and at reduced power if necessary, or operate nondirectionally at a power level of 1.25 kilowatts (25% of the licensed nighttime power) when necessary.

Section 73.1680 of the Commission's rules provide for operation with emergency antenna facilities, provided that an informal request for continued used of an emergency antenna is filled 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 WIZM(AM) may operate nondirectionally during daytime hours from either tower of its two tower directional antenna system with up to a maximum of 5 kilowatts of power. In addition, during nighttime hours the station may operate with parameters at variance and at reduced power if necessary. The station may also operate nondirectionally at night from either tower of the array with a maximum power of 1.25 kilowatts (25% of the licensed nighttime power) when necessary. It will be necessary to further reduce power or cease operation if complaints of interference are received. FRI must

<sup>&</sup>lt;sup>1</sup> WIZM(AM) is licensed for operation on 1410 kHz with a daytime and nighttime power of 5 kilowatts, employing a directional antenna pattern at night (DAN-U).

notify the Commission when licensed operation is restored.<sup>2</sup> FRI 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 April 15, 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.

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, ome J. Manarchuck

Audio Division Media Bureau

cc: Family Radio, Inc.

<sup>&</sup>lt;sup>2</sup> See 47 CFR §§ 73.45(c), 73.51, 73.61(b).