

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

February 24, 2015

John C. Trent, Esq.
Putbren Hunsaker & Trent, P.C.
200 South Church St.
Woodstock, VA 22664

Re: WBVA(AM), Bayside, VA
Facility Identification Number: 84068
Birach Broadcasting Corporation
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed February 18, 2015, on behalf of Birach Broadcasting Corporation ("Birach"). Birach requests special temporary authority ("STA") to operate station WBVA(AM) with reduced power from a site other than its licensed transmitter site.¹ Station WBVA(AM) was last granted an STA for very similar facilities on March 12, 2014 (BSTA-20140310AAR). The only difference is a slight correction of coordinates.

In support of the request, Birach states that the WBVA(AM) licensed tower was cut down by vandals and that the site owner was unwilling to allow the tower to be reconstructed. After significant attempts to relocate the station, Birach found a new site and filed a form 301-AM application (BP-20130201BAV). A construction permit has been granted for the proposed site, however actual construction is being contested at the local zoning stage. Therefore, Birach is requesting STA to commence broadcast operations.

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 service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ 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. Our review further indicates that station WBVA(AM) has been silent since March 25, 2014, and thus faces the loss of its license if it does not resume broadcasting by 12:01 a.m., March 26, 2015.

¹ WBVA(AM) is licensed for operation on 1450 kHz with 1 kilowatt daytime and 1 kilowatt nighttime, employing a nondirectional antenna (ND-1-U).

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

Accordingly, the request for STA IS HEREBY GRANTED. Station WBVA(AM) may operate with the following facilities:

Geographic coordinates	36° 51' 15" N, 76° 10' 17" W (NAD 1927)
Frequency	1450 KHz
Hours of operation	Unlimited
Operating power	Not to exceed 0.03 kW daytime, 0.03 kW nighttime
Antenna type	Temporary vertical radiator
Overall height	12 meters

Simultaneous operation of stations WBVA(AM) and WVAB(AM) from the temporary radiator shall not commence until sufficient duplexing equipment has been installed and properly adjusted to reduce all spurious emissions below the levels specified in 47 CFR Section 73.44(b). Within 10 days after commencement of such operation, Birach must submit the results of measurements which demonstrate compliance with the above condition. It will be necessary to further reduce power or cease operation if complaints of interference are received. Birach 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 **August 23, 2015**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law if broadcast operations do not commence by 12:01 a.m., March 26, 2015. *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.

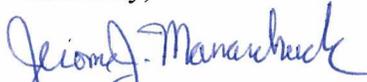
Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. 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.

It is noted that WBVA(AM) has been either silent or operating briefly with STA facilities since March 21, 2008. The station has been granted 6 requests for STAs, 7 requests to remain silent, and 4 extensions to remain silent. Therefore, it is highly recommended that if the station plans to continue to request operation with STA facilities, it should make every effort to show that substantial progress has been in the most recent STA period.

Sincerely,



Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Birach Broadcasting Corporation