

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

October 20, 2015
(Modified January 12, 2016)

West Virginia Educational Broadcasting Authority
600 Capitol Street
Charleston, WV 25301-1223

Re: WVKM (FM), Matewan, WV
West Virginia Educational Broadcasting Authority
Facility Identification Number: 67039
Special Temporary Authority
BSTA-20151016AGF

Dear Licensee:

This is in reference to the request filed October 16, 2015 [as modified by the January 11, 2016 e-mail request], on behalf of West Virginia Educational Broadcasting Authority (“WVEBA”). This station was taken silent by the previous licensee on January 13, 2015. WVEBA must return WVKM to operating status **no later than January 13, 2016** to avoid automatic cancellation of the station’s license pursuant to Section 312(g) of the Communications Act.

Given the circumstances and STA parameters provided in the request, we conclude that an STA for the temporary facilities requested is warranted, and the STA IS GRANTED. We expect that WVKM shall continue the temporary operation authorized herein, through the term of this STA period or until the licensee resumes permanent operations at a permanent site. Extension requests for this STA may be granted by the staff if circumstances warrant.

Accordingly, WVEBA may operate WVKM with the following facilities:

Geographic coordinates:	37° 37' 01.7" N, 82° 10' 06.5" W (NAD 27)
Channel	294 (106.7 MHz)
Effective radiated power:	0.13 kW (H&V) circularly polarized
Antenna height:	
above ground:	6 meters
above mean sea level:	254 meters
above average terrain:	-140 meters
Tower height:	6 meters

On the same date that WVKM commences operations pursuant to this STA, the licensee (or its representative) shall confirm the start of STA operations via an e-mail to Dale Bickel, dale.bickel@fcc.gov. This date will be entered into the Commission’s CDBS database to indicate that the station has resumed broadcasting. WVEBA must also file a Resumption of Operations notice in the Commission’s CDBS database system.

WVEBA must use whatever means are necessary to protect workers and the public from radiofrequency exposure in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310.

This authority expires on April 18, 2016.

We remind the licensee that the station's license will expire as a matter of law upon twelve consecutive months of silence [**ending January 13, 2016**], 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,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Tom Davidson (via-email only)