

FEDERAL COMMUNICATIONS COMMISSION
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November 1, 2016

Northern Kentucky University
301 Landrum
Highland Heights, KY 41099-0001

Re: WNKN (FM), Middletown, OH
Northern Kentucky University
Facility Identification Number: 54833
Special Temporary Authority
BSTA-20161031AES¹

Dear Licensee:

This is in reference to the request filed October 31, 2016, on behalf of Northern Kentucky University ("NKU"). NKU explains that WNKN's transmitter has failed and replacement parts are no longer available. New equipment is on order. The station is operating at about 70% of licensed power. NKU requests Special Temporary Authority (STA) for continued operations at reduced power, until transmitter replacement and related construction can be completed.

Section 73.1560(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).

Accordingly, the request for STA IS HEREBY GRANTED. Station WNKN may continue to operate at reduced power. WNKN must notify the Commission when licensed operation is restored. WNKN 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.

¹ This request seeks extension of the STA granted May 21, 2015 (BSTA-20150520ACD), however that STA had expired by its own terms on November 17, 2015. In view of the long time interval between the expiration date of the earlier STA and the filing of this request, we decline to treat the current filing as an extension, and it does not cover WNKN's unauthorized operation during that time. We will, however, treat it as a new STA request. We caution the licensee to make timely extension requests before the expiration of the current and future STAs.

This authority expires on April 30, 2017.

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: Ernest T. Sanchez (via e-mail only)