

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 12<sup>th</sup> STREET, S.W.**  
**WASHINGTON, DC 20554**

June 15, 2006

*In Reply Refer to:*  
1800B3

David E. Hilliard, Esq.  
Wiley Rein & Fielding, LLP  
1776 K Street, N.W.  
Washington, DC 20006

In re: WBAA-FM, West Lafayette, IN  
Facility ID No. 53947  
Request for Special Temporary  
Authorization

Dear Mr. Hilliard:

This letter refers to the June 14, 2006, request for Special Temporary Authorization (“STA”) filed on behalf of Purdue University (“Purdue”), licensee of expired station WBAA-FM, West Lafayette, Indiana.

An application for renewal of WBAA-FM’s license should have been filed by April 1, 2004. No such application was properly filed, and the station’s license expired on August 1, 2004. Accordingly, on June 8, 2006, the staff wrote to Purdue, indicating that the station’s license had expired and that (1) all authority to operate the station was terminated; and (2) station’s call letters were deleted from the Commission’s data base. The licensee was advised that any operation of the station was then unauthorized and must cease immediately.<sup>1</sup> Purdue then retained communications counsel, which helped it properly file a license renewal application<sup>2</sup> and the subject STA request. In the STA request, Purdue explains that it attempted to file the WBAA-FM license renewal application in April of 2004 but inadvertently neglected to respond to one item on the form;<sup>3</sup> accordingly, the application remained in “READY” status in the Commission’s CDBS electronic filing system but could not be accepted for filing by the system. This problem went unnoticed until June of 2006.

Under Section 309(f) of the Communications Act, 47 U.S.C. Section 309(f), when an appropriate application has been filed, the Commission may grant special temporary

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<sup>1</sup> Letter to Purdue University, Ref. 1800B3-JDB (MB June 8, 2006).


<sup>2</sup> File No. BR-20060614AAZ.

<sup>3</sup> Although Purdue indicated that WBAA-FM was a noncommercial educational facility in response to Section 1, Item 5 of its FCC Form 303-S for the station, it failed to submit any response to Section 1, Item 3, which asks for a categorization of the licensee if the application has been submitted without a filing fee. In the STA request, Purdue argues that the WBAA-FM application was timely submitted and the June 8, 2006 letter was in error. That argument will be addressed in connection with the evaluation of the June 14, 2006 renewal application.

authorization if it finds that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the institution of such temporary operations would seriously prejudice the public interest. In this case, we believe that the public interest in continuing WBAA-FM's noncommercial educational broadcast service to residents of West Lafayette, Indiana warrants resumed operation of the station pending consideration and disposition of the (untimely) renewal application.

Accordingly, the June 14, 2006, request for Special Temporary Authorization filed by Purdue University IS GRANTED, and it may continue operation of WBAA-FM, West Lafayette, Indiana, with the facilities for which the license expired on August 1, 2004. This authorization will expire (1) 180 days from the date of this letter; or (2) upon action on the pending WBAA-FM license renewal application, whichever is sooner. Grant of this authorization is without prejudice to whatever action, if any, the staff deems appropriate in light of the apparent failure properly to file a timely license renewal application for WBAA-FM.

Sincerely,

  
Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Purdue University

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*In Reply Refer to:*  
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David E. Hilliard, Esq.  
Wiley Rein & Fielding, LLP  
1776 K Street, N.W.  
Washington, DC 20006

In re: WBAA(AM), West Lafayette, IN  
Facility ID No. 53946  
Request for Special Temporary  
Authorization

Dear Mr. Hilliard:

This letter refers to the June 14, 2006, request for Special Temporary Authorization (“STA”) filed on behalf of Purdue University (“Purdue”), licensee of expired station WBAA(AM), West Lafayette, Indiana.

An application for renewal of WBAA(AM)’s license should have been filed by April 1, 2004. No such application was properly filed, and the station’s license expired on August 1, 2004. Accordingly, on June 8, 2006, the staff wrote to Purdue, indicating that the station’s license had expired and that (1) all authority to operate the station was terminated; and (2) station’s call letters were deleted from the Commission’s data base. The licensee was advised that any operation of the station was then unauthorized and must cease immediately.<sup>1</sup> Purdue then retained communications counsel, which helped it properly file a license renewal application<sup>2</sup> and the subject STA request. In the STA request, Purdue explains that it attempted to file the WBAA(AM) license renewal application in April of 2004 but inadvertently neglected to respond to one item on the form;<sup>3</sup> accordingly, the application remained in “READY” status in the Commission’s CDBS electronic filing system but could not be accepted for filing by the system. This problem went unnoticed until June of 2006.

Under Section 309(f) of the Communications Act, 47 U.S.C. Section 309(f), when an appropriate application has been filed, the Commission may grant special temporary

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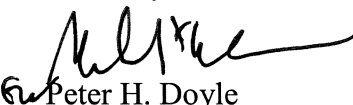
<sup>2</sup> File No. BR-20060614AAY.

<sup>3</sup> Although Purdue indicated that WBAA(AM) was a noncommercial educational facility in response to Section 1, Item 5 of its FCC Form 303-S for the station, it failed to submit any response to Section 1, Item 3, which asks for a categorization of the licensee if the application has been submitted without a filing fee. In the STA request, Purdue argues that the WBAA(AM) application was timely submitted and the June 8, 2006 letter was in error. That argument will be addressed in connection with the evaluation of the June 14, 2006 renewal application.

authorization if it finds that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the institution of such temporary operations would seriously prejudice the public interest. In this case, we believe that the public interest in continuing WBAA(AM)'s noncommercial educational broadcast service to residents of West Lafayette, Indiana warrants resumed operation of the station pending consideration and disposition of the (untimely) renewal application.

Accordingly, the June 14, 2006, request for Special Temporary Authorization filed by Purdue University IS GRANTED, and it may continue operation of WBAA(AM), West Lafayette, Indiana, with the facilities for which the license expired on August 1, 2004. This authorization will expire (1) 180 days from the date of this letter; or (2) upon action on the pending WBAA(AM) license renewal application, whichever is sooner. Grant of this authorization is without prejudice to whatever action, if any, the staff deems appropriate in light of the apparent failure properly to file a timely license renewal application for WBAA(AM).

Sincerely,

  
Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Purdue University