

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET SW**  
**WASHINGTON DC 20554**

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July 31, 2007

Mr. Martin Hensley, President  
Electronic Applications Radio Service  
15 North Wood Street  
Greenfield, Indiana 46140

Re: WLHN(AM), Muncie, Indiana  
Facility Identification Number: 1724  
Electronic Applications Radio Service  
Special Temporary Authorization

Dear Mr. Hensley:

This is in reference to the request filed July 9, 2007, on behalf of Electronic Applications Radio Service (EARS). EARS requests special temporary authority (STA) to operate Station WLHN from a site other than the licensed site, with reduced power and employing a temporary nondirectional antenna.<sup>1</sup> For reasons which are discussed below, the request is denied.

In support of the request, EARS states that the licensed site was sold and is no longer available, and that Station WLHN has been operating under STA since 1999. EARS states that the STA site now has been sold and is no longer available, that the STA expired on May 1, 2007 and that the station is now silent. EARS states that it has requested a permanent move to the STA site.<sup>2</sup> EARS provides technical details for the proposed STA operation. EARS refers to the grant of STA to Station KGFN-LP, and describes various aspects of the service provided to the community by Station WLHN.

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 service<sup>3</sup> to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area<sup>4</sup> without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

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<sup>1</sup> WLHN is licensed to Muncie, Indiana, for operation on 990 kHz with 0.25 kilowatt daytime and 0.001 kilowatt nighttime, employing a six-tower directional antenna (DA-2-U). Major Change Application BMJP-20040130APV proposes changing the community of license to Princeton, changing the frequency to 1030 kHz, and operation during daytime hours only with 0.35 kilowatt, employing a two-tower directional antenna. Minor Change Application BP-20070521ABD proposes a change in community of license to Arlington, Indiana; relocation of the transmitter, and operation on 990 kHz with 0.25 kilowatt, daytime hours only, nondirectional (ND-D-D).

<sup>2</sup> BP-20070521ABD; See Note 1.

<sup>3</sup> For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

<sup>4</sup> For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

We note that the instant STA request proposes facilities identical to those for which STA was denied on May 22, 2007. As stated previously, our review indicates that the proposed STA operation fails to comply with the foregoing criteria, in that it involves a site change of approximately 43 kilometers (27 miles) and a substantial extension of the proposed 0.5 mV/m contour beyond the currently licensed contour. As to the other arguments raised by EARS, the circumstances of KGFN-LP are distinct from those present here, and it is well established that a record of public service, though commendable, does not warrant circumvention of the Commission's technical rules and policies.

Accordingly, the request for STA IS HEREBY DENIED. This action does not preclude the filing of a new STA request which complies with the Commission's technical rules and with our STA policy. In light of the circumstances presented, we will look favorably on a request for expedited processing of pending Application BP-20070521ABD.<sup>5</sup>

The station's license will expire as a matter of law upon twelve consecutive months of silence. 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

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<sup>5</sup> However, due to the Public Notice requirements for a minor change application to change community of license and a mandatory 60 day delay in processing, this application cannot be granted immediately. See *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Report and Order, MM Docket No. 05-210, FCC 06-163, adopted November 3, 2006, at Para. 12.