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August 23, 2007

David D. Burns, Esq. Latham & Watkins, LLP 555 Eleventh Street NW, Suite 1000 Washington, DC 20004-1304

Re: WZPW(FM), Peoria, Illinois

Facility Identification Number: 3464

B&G Broadcasting, Inc.

Special Temporary Authorization

## Dear Counsel:

This is in reference to the request filed August 16, 2007, on behalf of B&G Broadcasting, Inc. ("B&G"). B&G requests special temporary authority ("STA") to operate Station WZPW with emergency antenna facilities pursuant to Section 73.1680.\(^1\) In support of the request, B&G states that its licensed transmission facility has failed and cannot operate. B&G requests STA for operation with an emergency antenna installed at its studio site.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna. 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>2</sup> to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area<sup>3</sup> 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.

Accordingly, the request for STA IS HEREBY GRANTED. Station WZPW may operate with the following facilities:

Geographic coordinates: 40° 41′ 57″ N, 89° 36′ 4″ W (NAD 1927)

Channel 222 (92.3 MHz) Effective radiated power: 0.53 kilowatt (H&V)

<sup>&</sup>lt;sup>1</sup> WZPW is licensed for operation on Channel 222B1 (92.3 MHz) with effective radiated power of 19.2 kilowatts (H&V) and antenna height above average terrain of 114 meters.

<sup>&</sup>lt;sup>2</sup> For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

<sup>&</sup>lt;sup>3</sup> For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

Antenna height:

above ground: 59 meters above mean sea level: 235 meters Above average terrain: 45 meters

B&G must notify the Commission when licensed operation is restored. B&G 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 February 23, 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.

Charles N. Miller, Engineer

Audio Division Media Bureau

cc: B&G Broadcasting, Inc.