

**FEDERAL COMMUNICATIONS COMMISSION
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May 19, 2017

Mel Wheeler, Inc.
5001 S. Hulen
Suite 107
Fort Worth, TX 76132-1989

Re: Mel Wheeler, Inc.
WFIR(AM), Roanoke, VA
Facility Identification Number: 31138
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed May 8, 2017, on behalf of Mel Wheeler, Inc. ("MWI"). MWI requests special temporary authority ("STA") to operate station WFIR(AM) during nighttime hours with emergency antenna facilities from an alternate site location.¹ MWI states that the station must start a project to do extensive physical work to the towers at the nighttime site and it will require that the nighttime directional be deactivated for a period of time.

Station WFIR(AM) operates on 960 kHz from two different transmitter site locations. Specifically, WFIR(AM) is requesting an STA for a temporary non-directional nighttime operation from the stations licensed daytime site while tower work is being done at the nighttime site. A nighttime power of 1.25 kilowatts is proposed. No changes are proposed to the daytime operation.

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 to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area² without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

We feel that grant of the STA is warranted as it will allow WFIR(AM) to continue to provide

¹ WFIR(AM) is licensed for operation on 960 kHz with a daytime power of 10 kilowatts and a nighttime power of 5 kilowatts, employing a directional antenna pattern at night (DAN-U).

² For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

nighttime service while extensive repairs are made to its nighttime operation. Accordingly, the request for STA is GRANTED, however the non-directional **nighttime power must not exceed 1.1 kilowatts**. Station WFIR(AM) may operate nighttime with the following facilities:

Geographic coordinates	37° 18' 09" N, 80° 02' 25" W (NAD 1927)
Frequency	960 KHz
Hours of operation	Nighttime
Operating power	Not to exceed 1.1 kilowatts (nighttime)
Antenna type	KFIR(AM)'s licensed daytime tower
ASRN	1035290

It will be necessary to further reduce power or cease operation if complaints of interference are received. WFIR(AM) must notify the Commission when licensed operation is restored. WFIR(AM) 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 **November 15, 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,

A handwritten signature in blue ink, appearing to read "Jerome J. Manarchuck". The signature is fluid and cursive, with the first name "Jerome" being particularly prominent.

Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Coe W. Ramsey, Esq. (via email only)