

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/media/radio/audio-division

ENGINEER: Jerome J. Manarchuck
TELEPHONE: (202) 418-7226
FACSIMILE: (202) 418-1410
E-MAIL: Jerome.Manarchuck@fcc.gov

November 3, 2017

Western Broadcasting Montgomery, LLC
1405 W. Crestwood Ct.
Spokane, WA 99218

Re: Western Broadcasting Montgomery, LLC
WALQ(AM), Carrville, AL
Facility Identification Number: 68309
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed October 27, 2017, on behalf of Western Broadcasting Montgomery, LLC ("WBM"). WBM requests special temporary authority ("STA") to operate station WALQ(AM) with reduced power.¹ For the reason discussed below, the request is denied.

In support of the request, WBM states that STA is necessary because economic and financial conditions render it impossible for the station to presently operate with its fully licensed facilities. The licensee is requesting operation with power reduced from 25 kilowatts down to 1 kilowatt.

Our review indicates that the requested STA operation does not comply with the Commission's rules. Section 73.1560(d), which governs reduce 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 fails to comply with Section 73.1560(d). Nothing in the request suggests that there is any technical impediment to operation with full, licensed facilities;


¹ WALQ(AM) is licensed for operation on 1130 kHz with a daytime power of 25 kilowatts, and a critical hours power of 1 kilowatt, employing a non-directional antenna pattern (NDD-D).

rather, STA is requested for purely economic reasons.

Furthermore, 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, the request for STA IS HEREBY DENIED. This action is taken pursuant to 47 CFR Section 0.283. The action taken herein does not preclude WALQ(AM) from filing a minor change application for construction permit to reduce its operating power in conformance with the Commission's rules; in particular, provided that the required level of service is maintained to the community of license. However, if such a course of action is taken, there is no guarantee that the presently licensed facilities could ever subsequently be restored.

Sincerely,


Jerome J. Manarchuck
Audio Division
Media Bureau

cc: David G. O'Neil, Esq. (via email only)