

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

MEDIA BUREAU  
AUDIO DIVISION  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: [www.fcc.gov/mb/audio/](http://www.fcc.gov/mb/audio/)

ENGINEER: CHARLES N. (NORM) MILLER  
TELEPHONE: (202) 418-2767  
FACSIMILE: (202) 418-1410  
E-MAIL: [charles.miller@fcc.gov](mailto:charles.miller@fcc.gov)

December 7, 2007

M. Scott Johnson, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17th Street, 11th Floor  
Arlington, Virginia 22209-3801

Re:    WABB-FM, Inc.  
      WABB (AM), Mobile, Alabama  
      Facility Identification Number: 70656  
      Special Temporary Authority

Dear Counsel:

This is in reference to the request filed November 5, 2007, on behalf of WABB-FM, Inc. ("WFI"). WFI requests special temporary authority ("STA") to operate Station WABB with emergency antenna facilities pursuant to Section 73.1680.<sup>1</sup> In support of the request, WFI states that a burnt underground transmission line must be replaced and that the station's main transmitter is in need of repair. WFI requests authority to operate with an emergency nondirectional antenna and reduced power of 2.5 kilowatts.

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)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Our review indicates that the request does not comply with Section 73.1680. However, if the proposed nighttime nondirectional power is reduced to 1.1 kilowatts, the request would comply with Section 73.1680. STA will be granted with appropriate modification.

Accordingly, the request for STA IS HEREBY GRANTED, with modification as discussed above. Station WABB may continue to operate with an emergency nondirectional antenna and reduced power not to exceed 5 kilowatts daytime and 1.1 **kilowatts nighttime**. Operation during nighttime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits also is authorized. It will be necessary to further reduce power or cease operation if complaints of interference are received. WFI must notify the Commission when licensed operation is restored.<sup>2</sup> WFI must use whatever means are necessary to protect

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<sup>1</sup> WABB is licensed for operation on 1480 kHz with 5 kilowatts daytime and 4.4 kilowatts nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

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 **June 7, 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: WABB-FM, Inc.

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<sup>2</sup> See 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).