

FEDERAL COMMUNICATIONS COMMISSION
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July 19, 2018

Shelby Broadcast Associates, LLC
5256 Valleybrook Trace
Birmingham, AL 35244

Re: W252BE (FX), Tarrant, AL
Shelby Broadcast Associates, LLC
Facility Identification Number: 141124
Special Temporary Authority
BSTA-20180718AAD

Dear Licensee:

This is in reference to the request filed July 18, 2018, requesting Special Temporary Authority (STA) to operate W252BE from the licensed site but with changed antenna heights and a new directional antenna pattern. No reason for the request is given in the STA filing.

We have reviewed the proposal, but conclude that it does not qualify for STA. 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 a construction permit application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. We discern no reason for this STA other than the broadcaster's convenience. If the licensee wants to pursue this change, it must file a construction permit application on FCC Form 349 and await grant of the application, before modifying the facilities.

Accordingly, the STA request BSTA-20180718AAD IS DISMISSED.

Sincerely,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Mr. Lee Reynolds (via e-mail only)