

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

April 4, 2019

Marion R. Williams
115 W. 5th Ave.
Gary, IN 46402

Re: Marion R. Williams
WAKE(AM), Valparaiso, IN
Facility Identification Number: 53057
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed April 3, 2019, on behalf of Marion R. Williams ("MRW"). MRW requests special temporary authority ("STA") to operate station WAKE(AM) from an alternate site location.¹ In support of the request, MRW states that WAKE(AM) lost the lease for its currently licensed site and is therefore requesting operation from its authorized construction permit (CP) site. The station has been silent since April 10, 2018 and therefore must resume broadcast operations by 12:01 a.m., April 11, 2019 or its broadcast license will automatically expire as a matter of law.

Specifically, station WAKE(AM) is requesting STA to operate daytime only with a reduced power into the directional array authorized in BP-20180504ABA. MRW states although the CP site is operational, there has not been time to conduct the directional antenna proof of performance required in the permit. Therefore, operation as requested in this application is necessary so that the station can resume broadcast operations and so the proof of performance and license application can be completed.

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

¹ WAKE(AM) is licensed for operation on 1500 kHz with a daytime power of 1 kilowatt and a nighttime power of 0.025 kilowatt, employing different directional antenna patterns (DA2-U). The station is also authorized by construction permit (BP-20180504ABA) to operate on 1500 kHz from a different location with a daytime power of 0.19 kilowatt and a nighttime power of 0.008 kilowatt employing a directional antenna pattern during daytime hours (DAD-U).

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.

Accordingly, the request for STA is GRANTED. Station WAKE(AM) may operate with the following facilities:

Geographic coordinates	41° 32' 20" N, 87° 17' 59" W (NAD 1927)
Frequency	1500 KHz
Hours of operation	Daytime
Operating power	0.008 kW
Antenna type	3 tower array authorized in BP-20180504ABA
Antenna radiator heights	All 3 towers are 54.8 m
Antenna electrical height	All 3 towers are 98.8°

It will be necessary to further reduce power or cease operation if complaints of interference are received. WAKE(AM) must notify the Commission when licensed operation is restored. WAKE(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 **October 1, 2019**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law if broadcast operations do not commence by 12:01 a.m., April 11, 2019. *See* Pub. Law No. 104-104, 110 Stat. 56, Section 403(1)(1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). *See also Public Notice, Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996). The licensee must notify the Audio Division immediately upon resumption of broadcasting.

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

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

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 black ink that reads "Jerome J. Manarchuck". The signature is written in a cursive, flowing style.

Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Allan G. Moskowitz, Esq. (via email only)