

**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:** Jerome J. Manarchuck  
**TELEPHONE:** (202) 418-7226  
**FACSIMILE:** (202) 418-1410  
**E-MAIL:** [jerome.manarchuck@fcc.gov](mailto:jerome.manarchuck@fcc.gov)

September 17, 2013

John C. Trent, Esq.  
Putbrese Hunsaker & Trent, P.C.  
200 South Church St.  
Woodstock, VA 22664

Re: Birach Broadcasting Corporation  
WPON (AM), Walled Lake, Michigan  
Facility Identification Number: 22045  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed September 12, 2013, on behalf of Birach Broadcasting Corporation ("BBC"). BBC requests special temporary authority ("STA") to operate Station WPON(AM) with temporary facilities.<sup>1</sup> Station WPON(AM) is licensed to operate on 1460 kHz with 1 kilowatt of power daytime and 0.76 kilowatt nighttime. However, it was granted an STA on October 1, 2012 to operate with emergency antenna facilities because the licensed towers and transmitter building were dismantled by the site owner without proper notification to the licensee. On October 9, 2012, WPON(AM) filed an STA request to remain silent, as the station went silent on September 27, 2012 for technical reasons.

Station WPON(AM) must now return to the air by September 27, 2013 or its license will expire. Therefore, BBC requests STA to locate to a temporary site and operate daytime only with a 25 foot mast and a power level of 25 watts. In support of the request, BBC mentions it had hoped that construction of its new facility (BP-20120111AAG) would have been completed by this time, but there were unforeseen zoning delays.

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<sup>2</sup> to the licensed community; (3) STA facilities must maintain, as closely as

---

<sup>1</sup> WPON(AM) is licensed for operation on 1460 kHz with 1 kilowatt daytime and 0.76 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U). Construction Permit BP-20120111AAG authorizes relocation of the transmitter and operation with 0.67 kW daytime and 0.175 kW nighttime, and changes to the daytime and nighttime directional patterns.

<sup>2</sup> For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

practicable, the licensed service area<sup>3</sup> without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing criteria.

Accordingly, the request for STA IS HEREBY GRANTED. Station WPON(AM) may operate with the following facilities:

Geographic coordinates	42° 32' 40" N, 83° 33' 35" W (NAD 1927)
Frequency	1460 KHz
Hours of operation	Daytime only
Operating power	Not to exceed 0.025 kW
Antenna type	25 foot temporary mast
Overall height	7.62 meters (25')

It will be necessary to further reduce power or cease operation if complaints of interference are received. It is anticipated that an application for construction permit for new, permanent facilities will be filed prior to the expiration date below. BBC 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 **March 16, 2014**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *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

---

<sup>3</sup> For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

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,



Jerome J. Manarchuck  
Audio Division  
Media Bureau

cc: Birach Broadcasting Corporation