

**FEDERAL COMMUNICATIONS COMMISSION
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September 8, 2016

Birach Broadcasting Corporation
21700 Northwestern Hwy.
Tower 14, Suite 1190
Southfield, MI 48075

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

Dear Applicant:

This is in reference to the request filed September 8, 2016, on behalf of Birach Broadcasting Corporation ("BBC"). BBC requests special temporary authority ("STA") to operate station WPON(AM) from an alternate site location with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, BBC states construction has begun on the build out of the new facility (BP-20150330AAI) but the modified station will not be completed by the September 14th deadline. The station has been silent since September 14, 2015 and therefore must commence broadcast operations before 12:01 a.m., September 15, 2016 or its license will automatically expire as a matter of law. Thus, WPON(AM) requests STA to operate with emergency antenna facilities from an alternate site location.

Specifically, WPON(AM) proposes to operate daytime only from a site 3 miles west of its licensed site. The station proposes to operate with a 30-foot temporary mast and a power of 25 watts which will permit WPON(AM) to resume broadcast operations in order to avoid automatic expiration of the station's license.

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 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.

¹ WPON(AM) is licensed for operation on 1460 kHz with a daytime power of 1 kilowatt and a nighttime power of 0.76 kilowatt, employing different directional antenna patterns (DA2-U).

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

Accordingly, the request for STA is 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	0.025 kilowatt
Antenna type	30 foot temporary mast
Antenna efficiency	Unknown

It will be necessary to further reduce power or cease operation if complaints of interference are received. WPON(AM) must notify the Commission when licensed operation is restored. WPON(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 **December 8, 2016**.

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., September 15, 2016. *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 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: John C. Trent, Esq. (via email only)