

**FEDERAL COMMUNICATIONS COMMISSION**  
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October 6, 2008

Theodore D. Frank, Esq.  
Arnold & Porter  
555 Twelfth Street NW  
Washington, DC 20004-1202

Re: WJWV(FM), Fort Gaines, Georgia  
Facility Identification Number: 23946  
Georgia Public Telecommunications Commission  
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed October 3, 2008, on behalf of Georgia Public Telecommunications Commission ("GPTC"). GPTC requests special temporary authority ("STA") to operate Station WJWV with reduced power.<sup>1</sup> In support of the request, GPTC states that, in the course of implementing construction authorized by Construction Permit BMPED-20080219AFF, it installed a new, 8 kW transmitter; however, structural issues prevented installation of the new, higher-gain antenna. GPTC states that it has since discovered that the new transmitter, operating at full rated power, does not produce the full, authorized effective radiated power. GPTC requests STA for operation with reduced power pending replacement of the antenna.

Section 73.1615, which governs operation during modification of facilities, provides that licensees holding construction permits for modification of directional or nondirectional FM and TV or nondirectional AM facilities may discontinue operation or may operate with temporary facilities to maintain, as nearly as possible, but not exceed, the size of the currently licensed coverage area. Such operation may commence upon notification to the FCC, and may continue for a period not exceeding 30 days. Should it be necessary to continue such operation beyond 30 days, a request for STA must be filed prior to the 30th day.

Accordingly, the request for STA IS HEREBY GRANTED. Station WJWV may operate with reduced power. GPTC 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.

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<sup>1</sup> WJWV is licensed for operation on Channel 215C1 (90.9 MHz) with effective radiated power ("ERP") of 85 kW (Max-DA, H&V) and antenna height above average terrain ("HAAT") of 82 meters. Construction Permit BMPED-20080219AFF authorizes a reduction in the horizontally polarized ERP to 21.7 kW, a reduction in HAAT to 77.5 meters and changes to the directional antenna pattern.

This authority expires on **December 6, 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,

A handwritten signature in dark ink, appearing to read "Charles N. Miller", with a long, sweeping horizontal line extending to the right.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Georgia Public Telecommunications Commission