

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
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March 6, 2017

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

Re: Birach Broadcasting Corporation
WBVA(AM), Bayside, VA
Facility Identification Number: 84068
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed February 28, 2017, on behalf of Birach Broadcasting Corporation ("Birach"). Birach requests special temporary authority ("STA") to operate station WBVA(AM) with reduced power from an alternate site location.¹ Station WBVA(AM) was granted an STA for these same facilities most recently on March 11, 2016 (BSTA-20160303AAS).

As stated in an earlier STA (BSTA-20150201BAV), the WBVA(AM) licensed tower was cut down by vandals and the site owner was unwilling to allow the tower to be reconstructed. Birach states it has been struggling and regrettably continues to struggle with local zoning to obtain approval for a short tower for diplex use with co-owned station WVAB(AM), Virginia Beach, Virginia. Therefore, Birach is requesting STA to commence broadcast operations before 12:01 a.m., March 26, 2017 or its license will expire as a matter of law.

In addition, the WBVA(AM) STA request states that Birach has not been sitting on its hands but rather has been taking action to find a new home for the station. The applicant claims that tens of thousands of dollars have been spent on engineering and legal fees, but zoning problems have been a nightmare. Thus, the need for another technical STA.

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 WBVA(AM) is licensed for operation on 1450 kHz with 1 kilowatt daytime and 1 kilowatt nighttime, employing a non-directional antenna (ND-1-U).

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

Our review indicates that the proposed STA operation complies with the foregoing criteria.

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

Geographic coordinates	36° 51' 15" N, 76° 10' 17" W (NAD 1927)
Frequency	1450 KHz
Hours of operation	Unlimited
Operating power	Not to exceed 0.03 kW (daytime), 0.03 kW (nighttime)
Antenna type	Temporary vertical radiator
Overall height	12 meters

It will be necessary to further reduce power or cease operation if complaints of interference are received. WBVA(AM) must notify the Commission when licensed operation is restored. WBVA(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 **September 2, 2017**.

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., March 26, 2017. *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)