

FEDERAL COMMUNICATIONS COMMISSION
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April 29, 2014

Troy Langham
Capstar TX LLC
2625 S. Memorial Drive Suite A
Tulsa, OK 74129

Re: Capstar TX LLC
WAEB(AM), Allentown, Pennsylvania
Facility Identification Number: 14371
Special Temporary Authority

Dear Mr. Langham:

This is in reference to the request filed April 14, 2014, on behalf of Capstar TX Limited LLC ("Capstar"). Capstar requests special temporary authority ("STA") to operate station WAEB(AM) with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, Capstar states that station WAEB(AM) had been operating pursuant to STA, BSTA-20090904ACI, however did not timely file a further extension prior to expiration (September 23, 2013) of its latest STA extension. Consequently, Capstar seeks a new STA to operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits, and with an emergency nondirectional antenna and reduced power, as they complete measurements and readjustment of the array to Moment Method derived parameters.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent or less of the nominal licensed power, or a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth.

Our review indicates that the request complies with Section 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED, as progress has been made toward restoring licensed operations. Station WAEB(AM) may operate with parameters at variance from licensed values and/or reduced power while maintaining monitor points within licensed limits, as they complete measurements and readjustment of the array to Moment Method derived parameters. Operation at night with an emergency nondirectional antenna and reduced power not to exceed 0.375 kilowatt is also authorized, only as necessary to facilitate the repair work. Once the facility is operating day and night with the Moment Method derived substantially adjusted daytime and nighttime parameters, the parameters must be kept within 5% current ratio and 3 degrees phase of the Moment Method derived parameters. It will be necessary to further reduce power or cease operation

¹ WAEB is licensed for operation on 790 kHz with 3.6 kilowatts daytime and 1.5 kilowatts nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

if complaints of interference are received. Capstar 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.

Our review indicates that the circumstances presented warrant grant of STA in order to provide for service to the public. However, in light of the lapse of time between the expiration of the prior STA extension and the filing of the instant request, the authority granted will not cover the period between September 28, 2013 and the filing of the instant request.

This authority expires on **October 26, 2014**.

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: Capstar TX LLC