

FEDERAL COMMUNICATIONS COMMISSION
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June 29, 2009

Mark J. Prak, Esq.
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Box 1800
Raleigh, North Carolina 27602

Re: Hearst Radio, Inc.
WBAL (AM), Baltimore, Maryland
Facility Identification Number: 65679
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed June 26, 2009, on behalf of Hearst Radio, Inc. ("Hearst"). Hearst requests special temporary authority ("STA") to operate Station WBAL during nighttime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits, and with a nondirectional antenna and reduced power.¹ In support of the request, Hearst states that it plans to replace the station's nighttime phasor and antenna tuning units.

Our review indicates that the proposed STA operation complies with the technical provisions of Section 73.1615, which governs operation during modification of facilities.

Accordingly, the request for STA IS HEREBY GRANTED. Station WBAL may operate during nighttime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Operation during nighttime hours with a nondirectional antenna and reduced power not to exceed 12.5 kilowatts also is authorized, only as necessary to facilitate the repair work. It will be necessary to further reduce power or cease operation if complaints of interference are received. Hearst must notify the Commission when licensed operation is restored.² Hearst 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 29, 2009**.

¹ WBAL is licensed for operation on 1090 kHz with 50 kilowatts daytime and 50 kilowatts nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

² *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

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 blue ink, appearing to read "Charles N. Miller", with a long horizontal flourish extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Hearst Radio, Inc.