

**FEDERAL COMMUNICATIONS COMMISSION**  
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October 18, 2012

Gary S. Smithwick, Esq.  
Smithwick & Belendiuk, P.C.  
5028 Wisconsin Avenue NW, Suite 301  
Washington, DC 20016

Re: Saga Communications of Charlottesville, LLC  
WINA (AM), Charlottesville, Virginia  
Facility Identification Number: 10649  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed October 15, 2012, on behalf of Saga Communications of Charlottesville, LLC ("Saga"). Saga requests special temporary authority ("STA") to operate Station WINA during nighttime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.<sup>1</sup> In support of the request, Saga states that replacement of the Tower #1 antenna tuning unit has resulted in a shift in the antenna monitor readings; however, all monitor points remain within licensed limits. Saga states that it plans to conduct and file a partial proof of performance. Saga further states that it has discovered a discrepancy between the tower numbering on the station's license and in the FCC engineering database, and that this issue will be addressed in a forthcoming application to modify its outstanding construction permit to correct the geographic coordinates of the transmitter site.

Accordingly, the request for STA IS HEREBY GRANTED. Station WINA may operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. It will be necessary to further reduce power or cease operation if complaints of interference are received. Saga must notify the Commission when licensed operation is restored.<sup>2</sup> Saga 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 **April 18, 2013**.

**STA Advisory:** Section 309(f) of the Communications Act of 1934, as amended, authorizes the

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<sup>1</sup> WINA is licensed for operation on 1070 kHz with 5 kilowatts daytime and 5 kilowatts nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

<sup>2</sup> *See* 47 CFR §§ 73.45(c), 73.51, 73.61(b).

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: Saga Communications of Charlottesville, LLC