

FEDERAL COMMUNICATIONS COMMISSION
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February 21, 2019

Cumulus Licensing LLC
3280 Peachtree Road, NW
Suite 2200
Atlanta, GA 30305

Re: Cumulus Licensing, LLC
WAAV(AM), Leland, North Carolina
Facility Identification Number: 25999
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed February 19, 2019, on behalf of Cumulus Licensing, LLC ("CLL"). CLL requests special temporary authority ("STA") to operate WAAV(AM) with a reduced power non-directional facility at night.¹

In support of the request, CLL states that due to a problem with the components necessary to maintain the station's directional nighttime operation, WAAV(AM) has been operating non-directionally with 30% power at night. Thus, the station is requesting STA to continue to operate non-directionally at night with a reduced power of 1.5 kilowatts.

Section 73.1680 of the Commission's rules provide for operation with emergency antenna facilities, 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) states that AM stations may use a horizontal or vertical wire or a nondirectional vertical element of a directional antenna as an emergency antenna. AM stations using an emergency nondirectional antenna or a horizontal or vertical wire pursuant to this section, in lieu of authorized directional facilities, shall operate with power reduced to 25% 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 for the corresponding hours of directional operation.

Accordingly, the request for STA IS HEREBY GRANTED, however the **nighttime power must not exceed 1.25 kilowatts**, which is 25% of the licensed power. Station WAAV(AM) may operate non-directionally from one of the towers in the station's nighttime array. No changes are proposed to the daytime operation. It will be necessary to further reduce or cease operation if complaints of

¹ WAAV(AM) is licensed for operation on 980 kHz with a daytime and nighttime power of 5 kilowatts, employing a directional antenna pattern at night (DAN-U).

interference are received. CLL 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 **August 20, 2019**.

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
Electronics Engineer
Audio Division
Media Bureau

cc: Andrew S. Kersting, Esq. (via email only)