

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
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August 30, 2018

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

Re: Birach Broadcasting Corporation
WPON(AM), Walled Lake, MI
Facility Identification Number: 22045
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed August 23, 2018, on behalf of Birach Broadcasting Corporation ("BBC"). BBC requests special temporary authority ("STA") to operate station WPON(AM) non-directionally from an alternate site location.¹ In support of the request, BBC states that the station's license will be cancelled if the station does not return to the air shortly. The station has been silent since September 11, 2017 and therefore must commence broadcast operations before 12:01 a.m., September 12, 2018 or its license will automatically expire as a matter of law.

Specifically, WPON(AM) requests STA to operate during daytime hours from its previously authorized construction permit site location. A non-directional operation is proposed with a power level of 0.25 kilowatt, which is 25% of the license daytime power. No nighttime operation is proposed.

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 WPON(AM) is licensed for operation on 1460 kHz with a daytime power of 1 kilowatt and a nighttime power of 0.76 kilowatt, employing different directional antenna patterns (DA2-U).

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

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

Geographic coordinates	42° 32' 39" N, 83° 33' 36" W (NAD 1927)
Frequency	1460 KHz
Hours of operation	Daytime only
Operating power	0.25 kilowatt
Antenna type	200 foot existing tower (60.6 meters)
Electrical Height of radiator	104.1 degrees
Antenna efficiency	314.895 mV/m/kW at 1 km

It will be necessary to further reduce power or cease operation if complaints of interference are received. WPON(AM) must notify the Commission when licensed operation is restored. WPON(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 **February 26, 2019**.

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., September 12, 2018. *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.

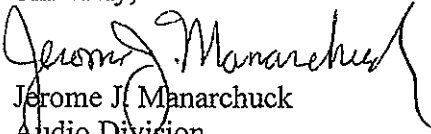
Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. 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)