

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

March 15, 2007

Marnie K. Sarver, Esq.
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

Re: WVKO(AM), Columbus, Ohio
Facility Identification Number: 22341
Bernard Ohio LLC
Special Temporary Authorization

Dear Mr. Smithwick:

This is in reference to the request filed March 14, 2007, on behalf of Bernard Ohio LLC ("BOL"). BOL requests special temporary authority ("STA") is requested to operate Station WVKO pursuant to Section 73.1615.¹ In support of the request, BOL states that it recently acquired the license of Station WVKO, that the licensed site is no longer available and that the station has been silent since May 5, 2006, and thus faces the loss of its license if it does not resume broadcasting on or before May 5, 2007. BOL further states that it is in the process of implementing construction of modified facilities for Station WVKO authorized by Construction Permit BMP-20060307AYC; however, due to unusually wet soil conditions, the construction has been delayed and will not be complete prior to May 5, 2007. BOL requests STA for operation from the permit site with a nondirectional antenna and 25% of the currently licensed power.

Section 73.1615, which governs operation during modification of facilities, provides, *inter alia*, that AM licensees holding construction permits which involve directional facilities may operate in nondirectional mode during presently licensed hours of directional operation with power reduced to 25% of licensed directional power.

Accordingly, the request for STA IS HEREBY GRANTED. Station WVKO may operate from the site specified in Construction Permit BMP-20060307AYC, with a nondirectional antenna and power not to exceed 0.25 kilowatt daytime and 0.0625 kilowatt nighttime. It will be necessary to further reduce power or cease operation if complaints of interference are received. BOL 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 **September 15, 2007**.

¹ WVKO is licensed for operation on 1580 kHz with 1 kilowatt daytime and 0.25 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U). Construction Permit BMP-20060307AYC authorizes relocation of the transmitter, a power increase to 3.2 kilowatts daytime and 0.29 kilowatt nighttime, and modification of the daytime and nighttime directional antenna patterns. The permit expires on May 17, 2007.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law if it does not resume broadcasting on or before May 5, 2007. 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.

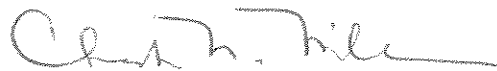
STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice 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,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Bernard Ohio LLC