

**FEDERAL COMMUNICATIONS COMMISSION
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November 24, 2015

Whiplash Radio, LLC
24 Angela Drive
Palm Coast, FL 15601

Re: Whiplash Radio, LLC
WHTX(AM), Warren, Ohio
Facility Identification Number: 70531
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed November 17, 2015, on behalf of Whiplash Radio, LLC ("Whiplash"). Whiplash requests special temporary authority ("STA") to operate station WHTX(AM) with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, Whiplash states that as a result of the collapse of the southeast tower of the daytime/nighttime directional antenna system, WHTX(AM) seeks authorization to operate under the provisions of Section 73.1680.

Specifically, WHTX(AM) requests STA to operate non-directional with a daytime power of 125 watts and a nighttime power of 40 watts. It is proposed to employ the northwest tower of the WHTX(AM) array for the STA operation.

Section 73.1680 of the Commission's rules provide for operation with emergency antenna facilities following damage to authorized antenna systems, 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.

¹ WHTX(AM) is licensed for operation on 1570 kHz with a daytime power of 0.5 kilowatt and a nighttime power of 0.116 kilowatt, employing different directional antenna patterns (DA2-U).

Accordingly, the request for STA IS HEREBY GRANTED. Station WHTX(AM) may employ the northwest tower of its directional array as an emergency non-directional antenna. The station may operate with a daytime power not to exceed 125 watts. However, the nighttime power is limited to 29 watts, which is 25% of the licensed nominal nighttime power. It will be necessary to further reduce or cease operation if complaints of interference are received. Whiplash 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 **May 23, 2016**.

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: Chris Lash (via email only)