

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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August 23, 2010

Melodie A. Virtue, Esq.
Garvey, Schubert & Barer
1000 Potomac Street NW, 5th Floor
Washington, DC 20007

Re: WVKX-FM Radio, LLC
WXKO (AM), Fort Valley, Georgia
Facility Identification Number: 41988
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed August 20, 2010, on behalf of WVKX-FM Radio, LLC ("WFR"). WFR requests special temporary authority ("STA") to operate Station WXKO with temporary facilities.¹

In support of the request, WFR states that it has lost the use of the licensed site and can no longer access to the property on which the tower is located. WFR requests STA for operation with a temporary, long wire antenna, pending pending approval of a new, permanent site. WFR further states that Station WXKO has been silent since September 1, 2009, and thus faces the loss of its license if it does not resume broadcast operation on or before September 1, 2010.

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 service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA. Our review indicates that the proposed STA operation complies with the foregoing.

¹ WXKO is licensed for operation on 1150 kHz with 1 kilowatt daytime and 0.062 kilowatt nighttime, employing a nondirectional antenna (ND-2-U).

² For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

³ For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

Accordingly, the request for STA IS HEREBY GRANTED. Station WKKO may operate with the following facilities:

Geographic coordinates	32° 34' 21" N, 83° 52' 19" W (NAD 1927)
Frequency	1150 KHz
Hours of operation	Unlimited
Operating power	Not to exceed 1 kW daytime, 0.062 kW nighttime
Antenna type	Long wire
Antenna efficiency	164 mV/m/km/kW
Overall height	9 meters

It will be necessary to further reduce power or cease operation if complaints of interference are received. WFR 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 23, 2011**.

Notwithstanding the grant of this STA or the expiration date specified herein, the station's license will expire as a matter of law upon twelve consecutive months of silence. *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,

A handwritten signature in blue ink, appearing to read "Charles N. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: WVKX-FM Radio, LLC