

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

August 28, 2007

Christopher D. Imlay, Esq.
Booth, Freret, Imlay & Tepper, P.C.
14356 Cape May Road
Silver Spring, Maryland 20904

Re: WMXM(FM), Lake Forest, Illinois
Facility Identification Number: 36309
Lake Forest College
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed August 24, 2007, on behalf of Lake Forest College ("LFC"). LFC requests special temporary authority ("STA") to operate Station WMXM with emergency antenna facilities pursuant to Section 73.1680.¹

In support of the request, LFC states that the licensed antenna has failed and must be replaced, and that the station has been silent since August 20, 2007. LFC requests STA for operation with a nondirectional emergency antenna which will be mounted in the same location as the licensed antenna, with reduced power to maintain the 60 dBu contour within the licensed contour.

Section 73.1680 of the Commission's rules provides 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)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna. Our review indicates that the proposed STA operation with effective radiated power ("ERP") of 350 watts would result in substantial extension of the 60 dBu contour beyond the licensed contour; however, if the ERP is reduced to 50 watts, the extension would be reduced to a negligible amount. STA will be granted with a power reduction to 50 watts.

Accordingly, the request for STA IS HEREBY GRANTED, with a power reduction as discussed

¹ WMXM is licensed for operation on Channel 205A (88.9 MHz) with effective radiated power of 0.3 kilowatt (Max-DA, H only) and antenna height above average terrain of 34 meters.

above. Station WMXM may operate from its licensed site with the following facilities:

Channel	205 (88.9 MHz)
Effective radiated power:	0.050 kilowatt (H only)
Antenna type	Nondirectional
Antenna height:	
above ground:	15 meters
above mean sea level:	236 meters
Above average terrain:	34 meters

LFC must notify the Commission when licensed operation is restored. LFC 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 28, 2008**.

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 dark ink, appearing to read "Charles N. Miller". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Lake Forest College