

FEDERAL COMMUNICATIONS COMMISSION
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April 8, 2013

Lee J. Peltzman
Shainis and Peltzman, Chartered
1850 M Street NW, Suite 240
Washington, D.C. 20036

Re: W244CS (FX), Hudson, WI
United Broadcasting System, LLC
Facility Identification Number: 147274
Special Temporary Authority
BSTA-20130328AKZ

Dear Counsel:

This is in reference to the request filed March 28, 2013, on behalf of United Broadcasting System, LLC ("UBS"). USB requests special temporary authority ("STA") to operate translator station W244CS with temporary facilities.¹ In support of the request, UBS indicates that the station has been silent for nearly a year but must resume operation almost immediately to avoid automatic cancellation of the station's license. USB plans to install a lesser, temporary facility at the licensed translator site and resume service promptly. USB has obtained a construction permit for a new transmitter site (BPFT-20121130BDP), but protracted lease negotiations mean that the station cannot implement the construction permit in time.

Our review indicates that Station W244CS has been silent since April 13, 2012, and thus faces the loss of its license if it does not resume broadcasting on or before April 13, 2013. We find that grant of STA will serve the Public Interest by permitting USB to preserve its license.

Accordingly, the request for STA IS HEREBY GRANTED. Station W244CS may operate with the following facilities:

Geographic coordinates:	44° 55' 45.4" N, 92° 54' 38" W (NAD 1927)
Channel	244 (96.7 MHz)
Effective radiated power:	0.010 kilowatt (H&V)
Antenna height:	
above ground:	5 meters
above mean sea level:	287 meters
Above average terrain:	11 meters

¹ W244CS is licensed to Hudson, WI, for operation on Channel 244D (96.7 MHz) with effective radiated power ("ERP") of 0.170 kilowatts (H&V) and antenna height above average terrain ("HAAT") of 19 meters.

In the initial STA request to remain silent (BLSTA-20120424ACU), the former licensee, William Cornwall, indicated he was taking the translator silent because a question from city officials about a city permit. For the record, the grant of this STA does not supersede the need for USB to comply with state and local requirements outside the FCC's jurisdiction.

USB must notify the Commission immediately when operation is restored. USB must use whatever means are necessary to protect workers and the public from radiofrequency exposure in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **October 5, 2013**.

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). Again, **the licensee must notify the Audio Division immediately upon resumption of broadcasting pursuant to this STA.**

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 implementation of the construction permit; 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,



Dale Bickel
Senior Engineer
Audio Division
Media Bureau

cc: United Broadcasting System, LLC