

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
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February 20, 2007

Cary S. Tepper, Esq.
Booth, Freret, Imlay & Tepper, P.C.
7900 Wisconsin Avenue, Suite 304
Bethesda, Maryland 20814-3628

Re: WKTR, Inc.
WKTR (AM), Earlysville, Virginia
Facility Identification Number: 73191
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed January 10, 2007, on behalf of WKTR, Inc. ("WI"). WI requests special temporary authority ("STA") to operate Station WKTR with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.¹ In support of the request, WI states that several new buildings which were constructed adjacent to the WKTR array have disrupted the environment in the vicinity of the antenna system and compromised the directional pattern. WI states that it plans soon to readjust the array and conduct a partial proof of performance.

Accordingly, the request for STA IS HEREBY GRANTED. Station WKTR may operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. It will be necessary to further reduce power or cease operation if complaints of interference are received. WI must notify the Commission when licensed operation is restored.² WI 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 20, 2007**.

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

¹ WKTR is licensed for operation on 840 kHz with 8.2 kilowatts, daytime hours only, employing a directional antenna (DA-D-D).

² *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

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", written in a cursive style.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: WKTR, Inc.