

**FEDERAL COMMUNICATIONS COMMISSION**  
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**WASHINGTON DC 20554**

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May 4, 2011

Robert J. Folliard, Esq.  
Dow Lohnes PLLC  
1200 New Hampshire Avenue NW, Suite 800  
Washington, DC 20036

Re: Cox Radio, Inc.  
WAGG (AM), Birmingham, Alabama  
Facility Identification Number: 48717  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed April 28, 2011, on behalf of Cox Radio, Inc. ("CRI"). CRI requests special temporary authority ("STA") to operate Station WAGG during nighttime hours with a temporary nondirectional antenna and reduced power.<sup>1</sup> In support of the request, CRI states that, on April 27, 2011, a tornado destroyed one of the station's nighttime towers, making directional operation impossible.

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)(1) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent 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. Our review indicates that the proposed STA operation complies with Section 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED. Station WAGG may operate during nighttime hours with a temporary nondirectional antenna and reduced power not to exceed 0.25 kilowatt. It will be necessary to further reduce power or cease operation if complaints of interference are received. CRI must notify the Commission when licensed operation is restored.<sup>2</sup> CRI 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.

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<sup>1</sup> WAGG is licensed for operation on 610 kHz with 5 kilowatts daytime and 1 kilowatt nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

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

This authority expires on **November 4, 2011**.

**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", with a stylized, cursive script.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Cox Radio, Inc.