

**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/](http://www.fcc.gov/mb/audio/)

**ENGINEER:** CHARLES N. (NORM) MILLER  
**TELEPHONE:** (202) 418-2767  
**FACSIMILE:** (202) 418-1410  
**E-MAIL:** [charles.miller@fcc.gov](mailto:charles.miller@fcc.gov)

November 10, 2010

Troy G. Langham, FCC Engineering Supervisor  
Clear Channel Technical & Capital Management  
2625 South Memorial Drive, Suite A  
Tulsa, Oklahoma 74129

Re: Capstar TX LLC  
WLVE (AM), Winchester, Virginia  
Facility Identification Number: 4668  
Special Temporary Authority

Dear Mr. Langham:

This is in reference to the request filed November 9, 2010, on behalf of Capstar TX LLC ("Capstar"). Capstar requests special temporary authority ("STA") to operate Station WLVE with temporary facilities.<sup>1</sup>

In support of the request, Capstar states that the station has lost its licensed site. Capstar proposes operation with a wire antenna to be constructed at the site of commonly-owned Stations WKSI-FM and WUSQ-FM.

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.

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 service<sup>2</sup> to the licensed community; (3) STA facilities must maintain, as closely as

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<sup>1</sup> WLVE is licensed for operation on 610 kHz with 0.5 kilowatt daytime and 0.5 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

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

practicable, the licensed service area<sup>3</sup> 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 Section 73.1680 and our STA criteria, with the exception of some unavoidable minor extensions of the 0.5 mV/m contour in the null areas of the licensed directional patterns. Our review further indicates that Station WLVE has been silent since November 15, 2009, and thus faces the loss of its license if it does not resume operation on or before November 15, 2010.

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

Geographic coordinates	39° 10' 38" N, 78° 15' 53" W (NAD 1927)
Frequency	610 KHz
Hours of operation	Unlimited
Operating power	Not to exceed 0.125 kilowatt
Antenna type	Long wire
Antenna efficiency	282 mV/m/km/kW

It will be necessary to further reduce power or cease operation if complaints of interference are received. Capstar 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 10, 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.

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

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 long horizontal flourish extending to the right.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Capstar TX LLC