

FEDERAL COMMUNICATIONS COMMISSION
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January 13, 2009

Dorann Bunkin, Esq.
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

Re: Polnet Communications, Ltd.
WTMY (AM), Sarasota, Florida
Facility Identification Number: 51440
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed January 8, 2009, on behalf of Polnet Communications, Ltd. ("Polnet"). Polnet requests special temporary authority ("STA") to operate Station WTMY with temporary facilities.¹ In support of the request, Polnet states that it has lost the lease on the licensed site and that it may be forced to vacate the site at any point. Polnet states that it is working on an agreement to permanently relocate to the site of Station WSDV, and requests STA for operation from the WSDV site with temporary facilities.

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 service² to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area³ 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 daytime STA operation complies with the foregoing

¹ WTMY is licensed for operation on 1280 kHz with 0.5 kilowatt daytime and 0.34 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

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

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

criteria and the Commission's rules. The proposed nighttime operation exceeds the power permitted by Section 73.1680, which governs emergency antennas; however, if the nighttime power is reduced to 85 watts, it complies with the rule. STA will be granted with a nighttime power reduction to 85 watts.

Accordingly, the request for STA IS HEREBY GRANTED, with a nighttime power reduction as discussed above. Station WTMY may operate with the following facilities:

Geographic coordinates	27° 20' 11" N, 82° 34' 25" W (NAD 1927)
Frequency	1280 KHz
Hours of operation	Unlimited
Operating power	Not to exceed 100 watts daytime, 85 watts nighttime
Antenna type	nondirectional
Antenna efficiency	332.9 mV/m/km/kW
ASRN	1036798
Overall height	85.9 meters

Operation shall not commence until sufficient diplexing equipment has been installed and properly adjusted to reduce all spurious emissions below the levels specified in 47 CFR Section 73.44(b). Within 10 days after commencement of operation, Polnet must submit the results of measurements which demonstrate compliance with the above condition, along with a copy of a signed agreement between the licensees of Stations WTMY and WSDV which clearly sets forth the responsibilities for installation and maintenance of the diplexing equipment. It will be necessary to further reduce power or cease operation if complaints of interference are received. Polnet must notify the Commission when licensed operation is restored.⁴ Polnet 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 **July 13, 2009**.

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

⁴ *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

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 black ink, appearing to read "Charles N. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Polnet Communications, Ltd.