

FEDERAL COMMUNICATIONS COMMISSION
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December 3, 2008

John F. Garziglia, Esq.
Womble Carlyle Sandridge & Rice, PLLC
1401 I Street NW, Seventh Floor
Washington, DC 20005

Re: WCED Radio, LLC
WCED (AM), DuBois, Pennsylvania
Facility Identification Number: 67703
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed November 26, 2008, on behalf of WCED Radio, LLC ("WR"). WR requests special temporary authority ("STA") to operate Station WCED with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.¹ In support of the request, WR states that, following an unsuccessful attempt to restore the nighttime directional array to licensed parameters, several damaged components were discovered.²

Accordingly, the request for STA IS HEREBY GRANTED. Station WCED may operate during nighttime hours 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. WR must notify the Commission when licensed operation is restored.³ WR 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 **June 3, 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

¹ WCED is licensed for operation on 1420 kHz with 5 kilowatts daytime and 0.5 kilowatt nighttime, employing (DA-n-U).

² WR also reports that the daytime nondirectional tower resistance is not at the licensed value. STA is not required for operation of a nondirectional station via the indirect method of determining operating power. *See* Section 73.51(d).

³ *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

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 black 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: WCED Radio, LLC