

FEDERAL COMMUNICATIONS COMMISSION
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September 18, 2013

John C. Trent, Esq.
Putbrese Hunsaker & Trent, P.C.
200 South Church Street
Woodstock, VA 22664

Re: Jerry Tibbetts
WMBH(AM), Joplin, Missouri
Facility Identification Number: 72493
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed September 11, 2013, on behalf of Jerry Tibbetts. Mr. Tibbetts requests special temporary authority ("STA") to operate Station WMBH(AM) with temporary facilities.¹ In support of the request, Mr. Tibbetts states that the station lost rights to the original station tower site. It is therefore proposing to operate daytime only with a temporary long wire antenna from a site located 4 kilometers from the licensed site. A power level of 500 watts is requested.

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 STA operation complies with the foregoing criteria.

We conclude that an STA for temporary operation is warranted, and the STA IS GRANTED. However, the power must not exceed 250 watts, which is WMBH(AM)'s current licensed power level. Station WMBH(AM) may operate with the following facilities:

Geographic coordinates	37° 05' 37" N, 94° 34' 51" W (NAD 1927)
Frequency	1560 KHz
Hours of operation	Daytime only
Operating power	0.25 kilowatt
Antenna type	Long wire

¹ WMBH(AM) is licensed for operation on 1560 kHz with 0.25 kilowatt daytime and 0.009 kilowatt nighttime, employing a nondirectional antenna (ND-1-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.

We expect that WMBH(AM) shall continue this temporary operation authorized herein without interruption, through the six month term of this STA or until the licensee restores permanent, authorized operation. Extension requests for this STA may be granted by the staff if circumstances warrant.

It will be necessary to further reduce power or cease operation if complaints of interference are received. WMBH(AM) must notify the Commission when licensed operation is restored. WMBH(AM) 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 **March 17, 2014**.


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,


Jerome J. Manarchuck
Audio Division
Media Bureau

cc: Jerry Tibbetts