

W. RUSSELL WITHERS, JR.  
FM TRANSLATOR W254BE, CENTRALIA, IL  
EXHIBIT TO STA REQUEST

**REQUEST FOR SPECIAL TEMPORARY AUTHORIZATION  
AND FOR WAIVER OF FCC RULES TO PERMIT  
AM BROADCAST PROGRAMMING TO BE  
CARRIED ON FM TRANSLATOR STATION W254BE**

W. Russell Withers, Jr. (Withers), the licensee of Class D AM Broadcast Station WILY, 1210 kHz, Centralia, Illinois hereby respectfully requests a Special Temporary Authority (STA) in effect waiving of all relevant sections and subsections of Part 74, Subpart L of the Commission's rules in order to allow the programming of Withers' WILY(AM) to be rebroadcast by Withers' FM Translator Station W254BE, Centralia, Illinois, pending the outcome of the current FCC Rulemaking proceeding (RM-11338) in which allowing the programming of AM stations to be rebroadcast by FM translators on a routine basis is being considered.

At the present time, the Commission's rules (particularly Sections 74.1201(a), 74.1201(d), 74.1231 and 74.1232 limit the permissible service of an FM translator station to the rebroadcast of certain FM broadcast stations that meet the eligibility requirements of Part 74 of the Commission's Rules.

In the rulemaking proceeding, RM-11338, the FCC is currently entertaining the concept of changing the rules governing FM Translator Stations to permit the retransmission of the programming of AM Broadcast Stations over FM Translator Stations. This request seeks temporary authorization for Withers to use W254BE to rebroadcast the programming of WILY(AM). Station WILY is authorized to operate on 1210 kHz with power of 10,000 watts during non-critical daytime hours, 1,100 watts during critical hours, and 3 watts nighttime. The licensed daytime and critical hours transmitter site is located south of Centralia; the authorized nighttime site is in downtown Centralia, and is co-located with the authorized transmitter site for W254BE.

Both the authorized predicted 60 dBu coverage contour of Station W254BE at effective radiated power of 19 watts, and the proposed operation in File No. BPFT-20080225AFF at 80 watts effective radiated power, lie within the predicted 2 mV/m daytime contour of WILY(AM). See the attached map. Withers has found that the 3 watt nighttime WILY(AM) facility is insufficient to provide a listenable signal to all of the community of Centralia.

Like other AM stations operating with relatively low power levels, WILY(AM) is also plagued both day and night by local man-made interference-producers including light dimmers, fluorescent lighting, television receivers, computers, razors, vacuum

cleaners, microwave ovens, signals “egressing” from local cable television systems, and the like.

Interference from fluorescent lighting has increased exponentially in recent months as consumers turn to power-saving “screw in” fluorescent bulbs as economical longer-lasting direct replacements for conventional incandescent bulbs. The conventional incandescent bulbs consume much more electrical power; however they do not create electrical interference in the medium wave broadcast band as their fluorescent counterparts do. Withers notes that in Canada where most incandescent bulbs have been essentially banned by government decree, that same government is quickly granting permits allowing the movement of almost all domestic radio broadcasting from the AM band to the FM band.

Now it appears the U.S. is moving in the same direction and has passed a law requiring the phase-out of incandescent light bulbs in the next decade.

WILY(AM) operates a full broadcasting schedule and carries programming of interest to Centralia and other nearby communities. Local high school sports broadcasts are popular with the local community, and WILY(AM)’s retransmission over W254BE will greatly assist the applicant in providing these broadcasts, which generally take place after sunset, to the listening public.

Absent the granting of the authority requested herein, many of WILY(AM)’s regular listeners will again be deprived of the opportunity to hear its coverage of local news and events after sunset.

Station W254BE commenced broadcasting in 2007. No new interference will be created by the instant proposal. In our opinion, W254BE’s carriage of WILY(AM)’s programming will provide a much more significant public service because of the local news and sports programs carried on WILY(AM) after dusk and before sunrise.

The expense to accomplish the temporary changes requested herein will be nil.

Withers emphasizes that the proposed waiver is temporary in nature and will extend only until the Commission’s final decision in RM-11338 becomes final.

Finally, Withers notes that the Commission has granted a number of STA/waiver requests which are similar to the instant case, including for AM stations and FM translators in or near the Tennessee communities of Murfreesboro, Kingsport, Jonesborough and Bristol, and also for stations WJIL and W272BU in Jacksonville and Chapin, Illinois. The circumstances of the instant request are essentially identical to those accompanying those previous requests. Given the Commission’s recognition of the merit of these other requests filed by other licensees, Withers hopes the Commission will expeditiously consider and grant the instant request.

