

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/

ENGINEER: Dale.Bickel
TELEPHONE: (202) 418-2706
FACSIMILE: (202) 418-1410
E-MAIL: dale.bickel@fcc.gov

March 13, 2014

Mark Lipp, Esq.
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

Re: Black Media Works, Inc.
WJFP(FM), Fort Pierce, Florida
Facility Identification Number: 5488
Special Temporary Authority
BSTA-20140306AIF

Dear Counsel:

This is in reference to the request filed March 6, 2014, on behalf of Black Media Works, Inc. ("BMWI"). BMWI requests special temporary authority ("STA") to operate Station WJFP with temporary facilities.¹ BMWI explains that the station had been operating pursuant to an STA granted March 27, 2008 (after the station lost its transmitter site), and the STA had subsequently been extended through February 6, 2011. After that date, the licensee did not file any further extension requests until the present one. BMWI now requests that the March 27, 2008 STA be reinstated and extended.²

WJFP has currently been operating from a temporary site for the past six years. Nor does it appear likely that the licensee will be able to implement its Class C1 facility in the near future. Therefore, we direct BMWI to take the following steps:

1. File a construction permit application on FCC Form 340 for the facilities specified in this STA request. These facilities will not be treated as a modification of construction permit, nor as an amendment to pending application BPED-20140311ACF, but as a separate application (BPED-).
2. In this new application, include a request for waiver of the multiple application rule, 47 CFR Section 73.3520, to permit the treatment of this new application independently of application BPED-20140311ACF. You may reference this letter in the application.
3. Upon grant of the new Class A application, file a license application on FCC Form 302-FM.

¹ WJFP is licensed for operation on Channel 216A (91.1 MHz) with effective radiated power ("ERP") of 6 kilowatts (H&V) and antenna height above average terrain ("HAAT") of 48 meters. Construction Permit BPED-199907271A (as replaced by construction permit BPH-20101130APN) authorized relocation of the transmitter, an upgrade to Class C1, and operation with ERP of 100 kW (Max-DA, H&V) and HAAT of 125 meters.

² BMWI also explain the delays it has faced regarding implementation of its construction permit BPH-20101130APN. The license has filed a new construction permit application, BPED-20140311ACF, to replace the now expired permit BPED-20101130APN.

Grant of this license application will restore a current licensed facility to WJFP, and eliminate the need for further STA requests, without jeopardizing the station's potential to upgrade to Class C1 in application BPED-20140311ACF.

While this occurs, reinstatement and extension of the STA request is warranted, and IS GRANTED. However, this STA does not cover any operations during the period between February 7, 2011 and the present date. WJFP may operate with the following facilities:

Geographic coordinates:	27° 26' 7" N, 80° 21' 41" W (NAD 1927)
Channel	216A (91.1 MHz)
Effective radiated power:	0.75 kilowatt (H&V)
Antenna height:	
above ground:	116 meters
above mean sea level:	121 meters
Above average terrain:	119 meters
Antenna Structure Registration No.:	1032455

BMWI must use whatever means are necessary to protect workers and the public from radiofrequency exposure in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **September 9, 2013**.

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.

Dale Bickel

A handwritten signature in black ink, appearing to read "Dale Bickel", written in a cursive style.

Senior Engineer
Audio Division
Media Bureau

cc: Black Media Works, Inc.