

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU

AUDIO DIVISION

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February 4, 2019

Times Communications Inc.
945 Handlebar Road
Mishawaka, IN 46544

Re: Times Communications Inc.
WHLY(AM), South Bend, Indiana
Facility Identification Number: 67133
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed January 31, 2019, on behalf of Times Communications Inc. ("TCI"). TCI requests special temporary authority ("STA") to operate station WHLY(AM) during nighttime hours with emergency antenna facilities.¹ In support of the request, TCI states that WHLY(AM) was forced silent on May 21, 2018, due to a fire. The fire caused damage to the directional phasing system and therefore the station could only operate in non-directional mode.

The station has finished making repairs to the daytime transmission system and the station is operating during daytime hours at full authorized power. However, the repairs to the nighttime operation are not yet complete. Therefore, WHLY(AM) requests STA to operate non-directionally at night, with a reduced power of 125 watts.

Section 73.1680 of the Commission's rules provide 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) states that AM stations may use a horizontal or vertical wire or a nondirectional vertical element of a directional antenna as an emergency antenna. AM stations using an emergency nondirectional antenna or a horizontal or vertical wire pursuant to this section, in lieu of authorized directional facilities, shall operate with power reduced to 25% 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 for the corresponding hours of directional operation.

Accordingly, the request for STA IS HEREBY GRANTED. Station WHLY(AM) may operate non-directionally at night with a power not to exceed 125 watts. No changes are proposed to the non-directional daytime operation. It will be necessary to further reduce or cease operation if

¹ WHLY(AM) is licensed for operation on 1580 kHz with a daytime power of 1 kilowatt and a nighttime power of 0.5 kilowatt, employing a directional antenna pattern at night (DAN-U).

complaints of interference are received. WHLY(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. It is noted that the previous STA expired on January 7, 2019 and therefore the authority granted here does not cover the period between the expiration of the prior STA and the filing of the instant request.

This authority expires on **May 4, 2019**.

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,

A handwritten signature in dark ink, reading "Jerome J. Manarchuck". The signature is fluid and cursive, with the first name "Jerome" and last name "Manarchuck" clearly legible.

Jerome J. Manarchuck
Audio Division
Media Bureau

cc: John C. Trent, Esq. (via email only)