

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: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

January 25, 2011

Dennis J. Kelly, Esq.
Box 41177
Washington, DC 20018

Re: Holston Valley Broadcasting Corporation
WKTP (AM), Jonesborough, Tennessee
Facility Identification Number: 27498
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed January 18, 2011, on behalf of Holston Valley Broadcasting Corporation ("HVBC"). HVBC requests special temporary authority ("STA") to operate Station WKTP with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, HVBC states that the owner of a tower adjacent to the WKTP array took measurements which indicated that the WKTP directional system is not performing as licensed on at least one radial. HVBC states that it has verified the measurements and has discontinued the use of its directional antenna and is operating with an emergency nondirectional antenna and reduced power of 1.25 kW. HVBC requests STA for continued use of the emergency antenna.

Section 73.1680 of the Commission's rules provides 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) provides that AM stations using an emergency nondirectional antenna in lieu of authorized directional facilities shall operate with power reduced to 25 percent 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.

Our review indicates that the circumstances described in the request do not appear to justify abandonment of licensed directional antenna operation. Because of the greater risk of interference to other stations which inevitably results from nondirectional operation, even with reduced power, Station WKTP should operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits to the greatest extent possible. STA will be granted for such operation, with nondirectional operation only on an "as necessary" basis.

Accordingly, the request for STA IS HEREBY GRANTED, with modification as discussed above. Station WKTP may operate with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. Operation with an emergency nondirectional

¹ WKTP is licensed for operation on 1590 kHz with 5 kilowatts daytime and 5 kilowatts nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

antenna and reduced power not to exceed 1.25 kW also is authorized, **only as necessary to facilitate restoration of licensed directional operation.** It will be necessary to further reduce power or cease operation if complaints of interference are received. HVBC must notify the Commission when licensed operation is restored.² HVBC 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 **July 25, 2011.**

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,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Holston Valley Broadcasting Corporation

² *See* 47 CFR §§ 73.45(c), 73.51, 73.61(b).