

FEDERAL COMMUNICATIONS COMMISSION
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AUDIO DIVISION
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January 28, 2010

Dorann Bunkin, Esq.
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

Re: Polnet Communications, Ltd.
WTMY (AM), Sarasota, Florida
Facility Identification Number: 51440
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed January 27, 2010, on behalf of Polnet Communications, Ltd. ("Polnet"). Polnet requests reinstatement of the special temporary authority ("STA") originally granted on January 13, 2009, to operate Station WTMY with temporary facilities.¹ In support of the request, Polnet states that the original STA was requested because it lost the lease on the licensed site and could have been forced to vacate the site at any point. Polnet states that it did not use the original STA and allowed it to expire because the site owner permitted Station WTMY to remain on the site on a month-to-month basis; however, it now has been informed that it must vacate the site by January 31, 2010.

Our review indicates that good cause has been shown for reinstatement of the previously granted STA.

Accordingly, the request for STA IS HEREBY GRANTED. Station WTMY may operate with the following facilities:

Geographic coordinates	27° 20' 11" N, 82° 34' 25" W (NAD 1927)
Frequency	1280 KHz
Hours of operation	Unlimited
Operating power	Not to exceed 0.1 kW daytime, 0.085 kW nighttime
Antenna type	nondirectional
Antenna efficiency	332.9 mV/m/km/kW
ASRN	1036798
Overall height	85.9 meters

Operation shall not commence until sufficient diplexing equipment has been installed and properly adjusted to reduce all spurious emissions below the levels specified in 47 CFR Section 73.44(b). Within 10 days after commencement of operation, Polnet must submit the results of measurements which demonstrate compliance with the above condition, along with a copy of a signed agreement between the licensees of Stations WTMY and WSDV which clearly sets forth the responsibilities for installation and maintenance of the diplexing equipment. It will be necessary to further reduce power or cease operation if complaints of interference are received. Polnet must notify the Commission when licensed operation

¹ WTMY is licensed for operation on 1280 kHz with 0.5 kilowatt daytime and 0.34 kilowatt nighttime, employing different directional antenna patterns daytime and nighttime (DA-2-U).

is restored.² Polnet 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 28, 2010**.

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: Polnet Communications, Ltd.

² See 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).