

Request for Special Temporary Authority
Station W266BJ, Golddust, Alabama – Facility Id. 152415

Hughey Communications, Inc. (“Hughey”), pursuant to Section 73.1635 of the Commission’s rules, 47 C.F.R. § 73.1635 (2006), hereby requests Special Temporary Authority (“STA”) to rebroadcast the signal of Station WACQ(AM), Carrville, Alabama (Facility Id. 68309) on FM Translator Station W266BJ, Golddust, Alabama (Facility Id. 152415).¹

As discussed in more detail below, grant of STA is in the public interest. Currently, Section 74.1284(c) of the Commission’s rules, 47 C.F.R. § 74.1284(c) (2006), prohibits FM Translators from rebroadcasting the signal of an AM station. However, there is a pending rulemaking proceeding to modify the Commission’s rules to permit FM Translators to rebroadcast the signals of AM stations in certain circumstances. Additionally, the Audio Division of the Media Bureau has recently granted similar STA requests (see Section C below).

As demonstrated herein, Station WACQ’s nighttime service is severely limited due to constraints placed upon it in order to protect the signal of station KWKH(AM) Shreveport, Louisiana. Station WACQ is dedicated to providing both local programming and emergency notifications to its community of license and is unable to provide either after its mandated sign off. On the basis of these factors, as discussed in more detail below, the public interest would be served by allowing WACQ to serve its community at night through the grant of the instant request.

DISCUSSION

A. Station WACQ is Unable to Operate at Night.

In the past, the Commission has taken special recognition of the unique circumstances affecting nighttime operation of AM stations. In particular, the Commission is aware of the

¹ In File No. BLFT-20080324ADH, Hughey has filed for a license to cover the outstanding construction permit for W266BJ’s at Golddust, Alabama.

increased interference potential AM stations can cause, and has taken steps to ameliorate the problems.² These problems were cited by the Commission as reasons for proposing to allow AM broadcasters to employ FM translators.³

Listeners in the WACQ coverage area are unable to receive a nighttime signal from the station so that station KWKH's signal can be protected. In winter months, WACQ begins its broadcast day as late as 6:45 a.m. and at times must reduce power as early as 4:45 p.m. and sign off by 6:45 p.m. The proposed rebroadcast of Station WACQ on Station W266BJ would eliminate this absence of nighttime service. The authorized use of the FM translator would permit full nighttime service to WACQ's community of license. Thus, use of Station W266BJ to better serve WACQ's principal service area would be in the public interest.

B. Station WACQ Provides Valuable Local Programming and Emergency Information.

As shown in the NPRM, AM stations have historically served as the first stop for community-oriented programming, and Station WACQ fulfills this role for its community of license. Station WACQ provides a forum for listeners to hear from local elected officials, law enforcement officers, and members of civic clubs, amongst others, and the station broadcasts local high school sports, University of Alabama football games and Atlanta Braves baseball games. Additionally, WACQ serves its community by broadcasting public safety information such as local school closings, weather alerts and icing problems on the Tallapoosa Bridge.

Since the public often relies on portable devices to receive service in times of emergencies, it is extremely important that the community receives aural service at night. The

² *Review of Technical Assignment Criteria for the AM Broadcast Service*, Report and Order, 6 FCC Rcd 6273 (1991).

³ *See Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations*, Notice of Proposed Rulemaking 22 FCC Rcd 15890 (2007). ("NPRM")

grant of Commission authority for Station W266BJ to rebroadcast WACQ will permit listeners in the community to receive localized emergency information both night and day.

C. The Commission and Media Bureau Have Signaled Willingness to Grant Approval of Similar Requests.

In response to specific requests by other AM stations, and in effort to resolve the interference issues AM stations have faced, the Commission has granted other requests for AM Stations to utilize FM Translators in advance of the rule changes proposed in the NPRM.

For example, the Commission granted authority to The Rutherford Group, licensee of Station WGNS(AM), Murfreesboro, Tennessee, to re-broadcast the AM signal on two FM Translators (100.5 MHz and 101.9 MHz) serving Murfreesboro. In addition, the Commission granted authority for Holston-Valley Broadcasting Corporation, licensee of Station WOPI(AM), Bristol, Tennessee, to rebroadcast its AM signal on Station W249AZ, serving its community of license. And lastly, the Commission granted authority to Dr. Pepper/Pepsi Cola Btl. Co. Inc. of Dyersburg, TN, licensee of Station WTRO(AM), Dyersburg, Tennessee, to re-broadcast that AM signal on Station W273AZ.

Thus, the Commission has acknowledged the problems relating to poor nighttime AM service, and agrees that the use of FM Translators is appropriate pending the resolution of the rulemaking proceeding. The recently-granted authorizations for three other AM stations to rebroadcast AM signals on FM Translator stations fall within the parameters set forth in the NPRM, and such services provide valuable AM programming to the respective station's community of license.

D. Technical Showing

As shown in the Engineering Exhibit, the 60 dBu contour of Station W266BJ is encompassed by the 2 mV/m contour of Station WACQ, which complies with the NPRM

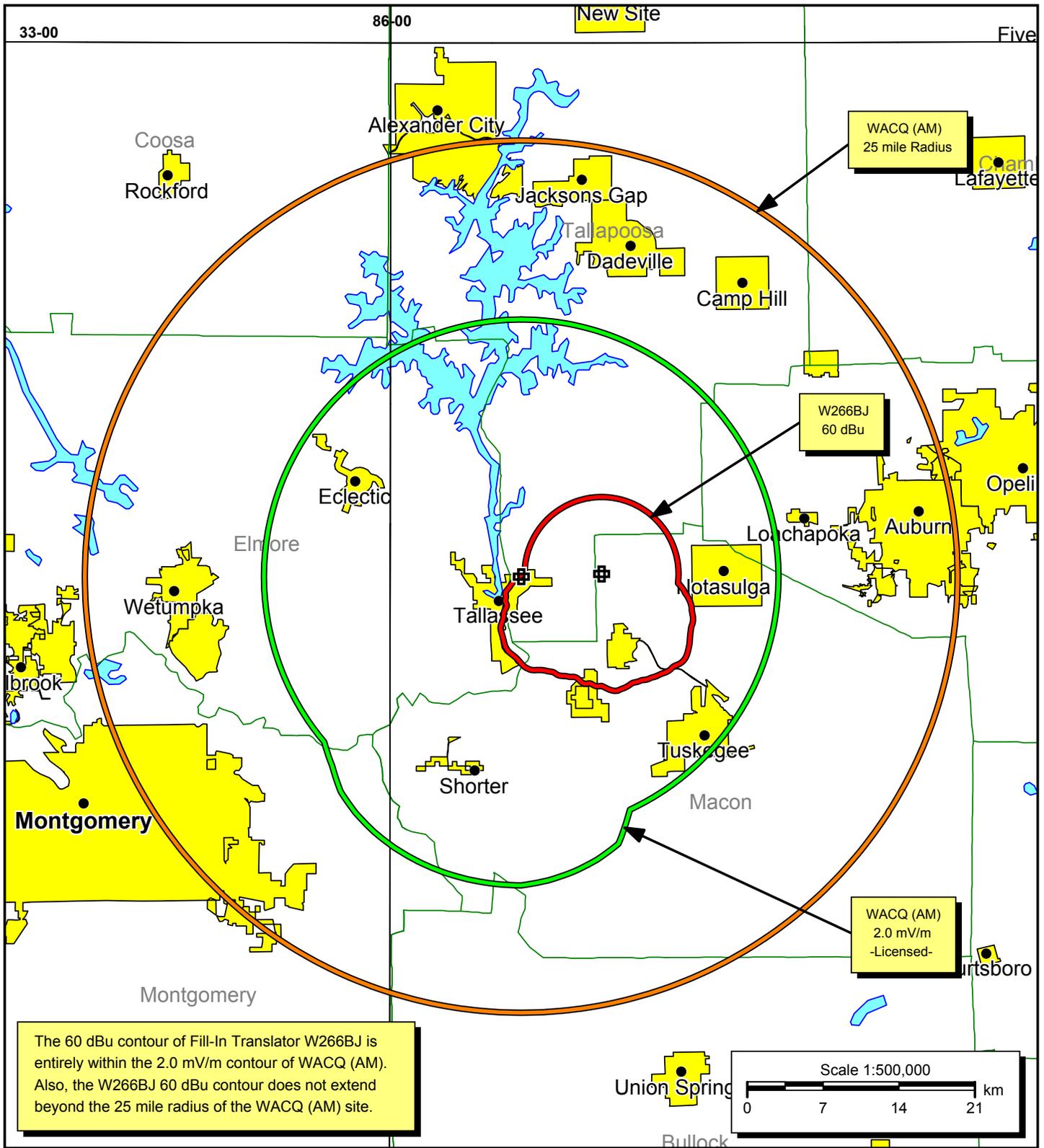
proposal. Further, as also shown in the Engineering Exhibit, the translator's 60 dBu center does not extend beyond a 25-mile radius of the WACQ transmitter site. The foregoing complies with the standard proposed by the Commission in the NPRM.⁴

CONCLUSION

Station WACQ is unable to operate at night and offers the local programming that its community has come to expect from those operating the AM service. The Commission has recently approved other AM station waivers and STAs in similar circumstances the authority to re-broadcast their AM signal on FM translators.

In light of these factors, Hughey respectfully submits that the grant of special authority to re-broadcast Station WACQ's signal on Station W266BJ would be in the public interest.

⁴ NPRA at Appendix A.



The 60 dBu contour of Fill-In Translator W266BJ is entirely within the 2.0 mV/m contour of WACQ (AM). Also, the W266BJ 60 dBu contour does not extend beyond the 25 mile radius of the WACQ (AM) site.

STA Request -- Engineering Exhibit

Fill-In Translator W266BJ

Channel 266D - 101.1 MHz

0.250 kW ERP - 149 m COR AMSL

Golddust, Alabama

Bromo Communications, Inc.

Atlanta, Georgia

March 2008