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November 17, 2008

M. Anne Swanson, Esq.
Dow Lohnes PLLC
1200 New Hampshire Avenue NW, Suite 800
Washington, DC 20036-6802

Re: First Media Radio, LLC
WJLS (AM), Beckley, West Virginia
Facility Identification Number: 52335
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed October 30, 2008, on behalf of First Media Radio, LLC ("FMR"). FMR requests special temporary authority ("STA") to operate Station WJLS during nighttime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.[1] In support of the request, FMR states that, during a routine inspection of the WJLS facilities, it discovered one of the station's monitor points exceeded the licensed limit. FMR states that it has reduced power to bring the monitor point within tolerance, and that it is working with its consulting engineer to adjust the antenna pattern.

Accordingly, the request for STA IS HEREBY GRANTED. Station WJLS may operate during nighttime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits. It will be necessary to further reduce power or cease operation if complaints of interference are received. FMR must notify the Commission when licensed operation is restored.[2] FMR 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 **May 17, 2009**.

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

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[1] WJLS is licensed for operation on 560 kHz with 4.5 kilowatts daytime and 0.47 kilowatt nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

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

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: First Media Radio, LLC