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October 23, 2009
(Reissued November 17, 2009, to correct expiration date)

Troy G. Langham, FCC Engineering Supervisor
Clear Channel Technical & Capital Management
2625 South Memorial Drive, Suite A
Tulsa, Oklahoma 74129

Re: KWHN(AM), Fort Smith, Arkansas
Facility Identification Number: 22099
Capstar TX Limited Partnership
Special Temporary Authorization

Dear Mr. Langham:

This is in reference to the request filed October 20, 2009, on behalf of Capstar TX Limited Partnership ("Capstar"). Capstar requests extension of the special temporary authority ("STA") granted on July 21, 2009, to operate Station KWHN during nighttime hours with parameters at variance and/or reduced power while maintaining monitor points within licensed limits.[1] In support of the request, Capstar states that, in addition to replacing its antenna monitor as was previously stated, the project has been expanded to include renovation of the antenna system, and that in the course of the work it was discovered that a correction of coordinates is necessary.

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.

Our review indicates that the licensee has made progress toward restoration of licensed operation, but additional time is required for completing the work. Thus, extension of STA is warranted.

Accordingly, the request for extension of STA IS HEREBY GRANTED. Station KWHN may continue to 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. Capstar must notify the Commission

[1] KWHN is licensed for operation on 1320 kHz with 5 kilowatts, unlimited hours, employing a directional antenna during nighttime hours only (DA-N-U).

when licensed operation is restored.[2] Capstar 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 **April 23, 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: Capstar TX Limited Partnership

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