

**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/](http://www.fcc.gov/mb/audio/)

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September 24, 2012

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

Re: Mountain Area Information Network  
WPVM-LP, Asheville, North Carolina  
Facility Identification Number: 133357  
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed September 21, 2012, on behalf of Mountain Area Information Network ("MAIN"). MAIN requests special temporary authority ("STA") to operate Station WPVM-LP with temporary facilities.<sup>1</sup> For reasons which are discussed below, the request is denied.

In support of the request, MAIN states that Station WPVM-LP has lost its transmitter site and must return to the air before October 18, 2012. MAIN requests STA for operation from a temporary site, and provides technical details for the proposed STA operation.

STA requests which involve a change in transmitter site must include four critical elements: (1) Loss of the licensed site must be beyond the licensee's control; (2) STA facilities must continue to provide service<sup>2</sup> to the licensed community; (3) STA facilities must maintain, as closely as practicable, the licensed service area<sup>3</sup> without extending it; (4) STA facilities cannot involve the construction of towers intended for permanent use by the station requesting the STA.

Our review indicates that the proposed STA operation fails to comply with the foregoing criteria, in that the proposed 60 dBu contour would extend significantly beyond the licensed contour toward the northwest. Furthermore, the extension cannot be eliminated by a power reduction, because the proposed site itself lies outside the licensed 60 dBu contour.

Accordingly, the request for STA IS DENIED. This action is taken pursuant to 47 CFR Section

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<sup>1</sup> WPVM-LP is licensed for operation on Channel 278L1 (103.5 MHz) with effective radiated power of 0.001 kilowatt (H&V) and antenna height above average terrain of 344 meters.

<sup>2</sup> For AM - 5 mV/m; for commercial FM - 3.16 mV/m; for noncommercial educational FM - 1.0 mV/m.

<sup>3</sup> For AM - 0.5 mV/m contour; for FM - 1.0 mV/m contour.

0.283. The action taken herein does not preclude MAIN from filing a new STA request in compliance with our technical rules and STA policies.

The station's license will expire as a matter of law upon twelve consecutive months of silence. See Pub. Law No. 104-104, 110 Stat. 56, Section 403(1) (1996) and *Order, Silent Station Authorizations*, FCC 96-218 (released May 17, 1996). See also *Public Notice, Expedited Processing of Applications Filed by Silent Stations*, DA 96-818 (May 22, 1996).

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles N. Miller". The signature is fluid and cursive, with a long horizontal stroke at the end.

Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Mountain Area Information Network